

R E Livingston







Biography
OF THE
SIGNERS
TO THE
DECLARATION OF INDEPENDENCE



PHILADELPHIA

PUBLISHED BY R. W. POMEROY

J. MAXWELL PRINTER.

1827.



BIOGRAPHY
OF THE SIGNERS TO THE
DECLARATION OF INDEPENDENCE.

VOL. VII.

Eastern District of Pennsylvania, to wit :

***** BE IT REMEMBERED, That on the twentieth day of January,
* L. S. * in the fifty-first year of the Independence of the United States of
***** America, A. D. 1827, R. W. Pomeroy, of the said District, hath deposited in this office the title of a Book, the right whereof he claims as Proprietor, in the words following, to wit :

“ Biography of the Signers to the Declaration of Independence.—Vol. VII.”

In conformity to the act of the Congress of the United States, entitled, “An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned.” And also to the act, entitled, “An act supplementary to an act, entitled, ‘An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned,’ and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints.”

D. CALDWELL,

Clerk of the Eastern District of Pennsylvania.

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The Publisher of the Biography of the Signers of the Declaration of Independence, has at length the gratification of presenting to the public the three last volumes of the work. Perhaps some apology is necessary for the time which has elapsed, in bringing it to a close; yet he feels, that the delay has been attended with more advantage to his subscribers than to himself. The materials for such a work are procured alone by patience, by research and by time; family records are dispersed with the various changes of fortune and residence which are so frequent in our country; and above all, there exists too often a reluctance or negligence in communicating those incidents, which can only be preserved in the recollections of domestic life, but which when they relate to such men, become a fair portion of the general history of our country. It is believed that all the material facts in these volumes are authentic,

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certainly every effort has been used to make them so : public documents, where necessary, have been carefully referred to, and much, indeed some entire lives, have been derived from those private sources, which may be considered as the most accurate. Some of the sketches are necessarily less perfect than was desirable, and occasional repetitions of historical events were not to be avoided ; but it may be confidently stated, that in no work hitherto presented to the American public, is there so various and interesting a mass of information, public and private, relating to the history of our country and the distinguished men by whom its annals are adorned.

The publisher may be allowed, in closing a work which has so long occupied his attention, to express his feelings of sincere regret, that the gentleman to whose literary labours he has been so much indebted, and to whom he has referred in the advertisement of a previous volume, should not have survived to see its termination. His career was indeed short, for he was cut off in the midst of youth ; but he left behind him many friends who will long remember the goodness of his heart, the quickness of his mind, and the fair promise he gave of much future usefulness.

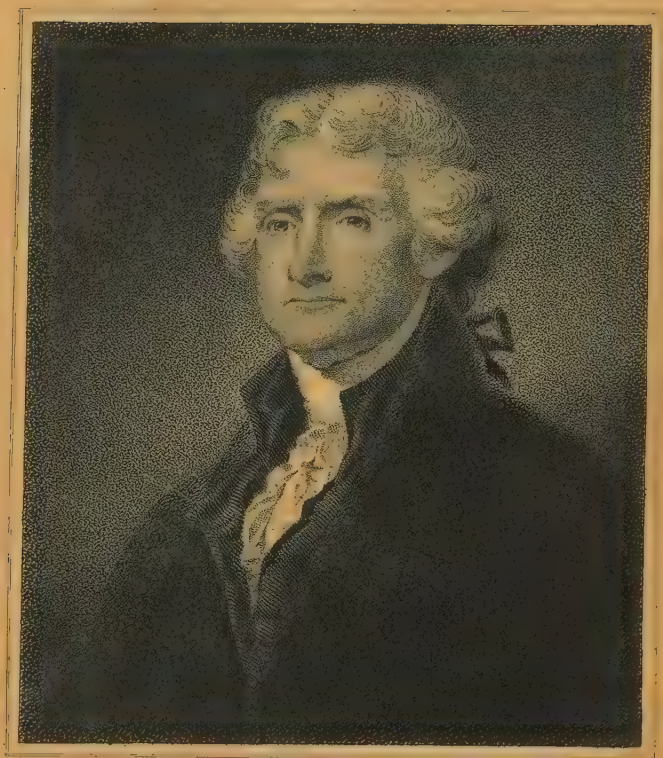
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THOMAS JEFFERSON.







THOMAS JEFFERSON.

Drawn & Engraved by J.B. Longacre from the Portrait by Field after Stuart

JEFFERSON.

THE great tragic poet of antiquity has observed, and historians and philosophers in every age, have repeated the observation, that no one should be pronounced happy, till death has closed the period of human uncertainty. Yet if to be happy, is to descend into the vale of years, loved and honoured; to enjoy in life, that posthumous fame, which is usually bestowed only beyond the tomb; to see the labours of our earlier years, crowned with more than hoped for success; and to find those theoretic visions which untried, could offer nothing more than expected excellence, exceeding in practical utility their promised advantages; if these can confer aught of happiness on this side the grave, then may the subject of our memoir be esteemed truly happy.

He has indeed outlived those who were the partners of his toils, and the companions of his earlier years; but in so doing, he has not experienced the usual fate of mortality, in outliving the sympathy, the kindness and the love of his fellow creatures. A new race of companions has risen around him, who have added to those feelings the deeper ones of admiration, respect, and gratitude; and he still lives in the bosom of his country, which is

the bosom of his friends, cherished with an affection that mingles at once the ardour of youth, with the steadiness of age.

One cannot resist applying to him that sentiment, in which the greatest of historians has indulged, when speaking of a man whom Mr. Jefferson seems strongly to resemble, in the mild and virtuous dignity of his domestic character, his fondness for the pursuits of science, chastened but not extinguished by the occupations of an active life, the serenity of his temper and manners, and a modesty and simplicity which, while they shed an uncommon lustre over his public career, doubly adorn the less conspicuous scenes of retirement. "Agricola had possessed to the full," says Tacitus, "those enjoyments which alone can make us truly happy, those which spring from virtue—he had been adorned with all the dignity, which consular rank or triumphal honours could bestow—what more could fortune add to his happiness or his fame?"

Need the author of this article say, that it is with feelings of unaffected diffidence, he takes his pen to record a brief, and probably transient account, of the chief incidents in the life of this distinguished man? need he say, that he can indulge no hope of portraying, either vividly or justly, those brilliant characteristics with which it abounds? and need he add, that if his sketch shall possess any interest, it is to be attributed more to the illustrious name which adorns it, than to its own excellence? He is indeed but too well aware that the historian of Mr. Jefferson has not an easy task to perform.

His is a life of no common character. It is one abounding in great events and extraordinary circumstances, upon which the opinions of his countrymen have been so much divided, that prejudices arising from their divisions, have thrown their shade upon almost every transaction of his life. Let it be remembered, however, that to these conflicting sentiments a biographer is not called on to become a party; nor would it be proper in him to obtrude the peculiar opinions he may entertain. It is his duty alone to state their existence, with the powerful influence that attended them, and to ask from his country, that, all prejudices laid aside, the illustrious object of his labours may come before them, in that cloudless mirror, wherein posterity will examine the fathers of our country.

THOMAS JEFFERSON is descended from a family, which had been long settled in his native province of Virginia. His ancestors had emigrated thither at an early period; and although bringing with them, so far as is known, no fortune beyond that zeal and enterprise which are more than useful, to adventurers in a new and unknown country; no rank beyond a name, which was free from dishonour; they had a standing in the community highly respectable, and lived in circumstances of considerable affluence. His father, Peter Jefferson, was a gentleman well known in the province. He was appointed in the year 1747, one of the commissioners for determining the division line, between Virginia and North Carolina, an office which would seem to indicate at once considerable scientific knowledge, and that integrity,

firmness and discernment, which are so peculiarly necessary in settling the boundaries between small but independent territories.

THOMAS JEFFERSON was born on the second day of April (O.S.) 1743, at Shadwell, in Albemarle county, Virginia, and on the death of his father, succeeded to an ample and uncembarrassed fortune. But little is known of the incidents of his early life, and the biographer is entirely destitute of those anecdotes of youth which are so often remembered and recorded, pointing out as they seem to do, the latent sparks of genius, and foretelling the career of future usefulness and honour. We first hear of him as a student in the college of William and Mary, at Williamsburg, and then, ignorant of his success on the youthful arena of literary fame, find him a student of law, under a master whose talents and virtue, may have offered a model for his succeeding life, the celebrated George Wythe, afterwards chancellor of the state of Virginia. With this gentleman he was united, not merely by the ties of professional connexion, but by a congeniality of feeling, and similarity of views, which are alike honourable to them both; the friendship formed in youth was cemented and strengthened by age, and when the venerable preceptor closed his life, in 1806, he bequeathed his library and philosophical apparatus to a pupil and friend, who had already proved himself worthy alike of his instruction and regard.

Mr. Jefferson was called to the bar in the year 1766; and pursued the practice of his profession with zeal and success. In the short period during which he continued

to devote himself to it, without the interruption of political objects, he acquired very considerable reputation, and there still exists a monument of his early labour and useful talents, in a volume of Reports of Adjudged Cases in the Supreme Courts of Virginia, which he compiled and digested, amid the engagements of active professional occupation.

But he came into life at a period, when those who possessed the confidence of their fellow citizens, and the energy and talents requisite for public life, were not long permitted to remain in a private station, and pursue their ordinary affairs; he was soon called to embark in a career of more extensive usefulness, and to aim at higher objects—*ingenium illustre altioribus studiis juvenis admodum dedit, quo firmior adversus fortuita rempublicam capesseret*. We find him accordingly, as early as the year 1769, a distinguished member of the legislature of Virginia, associated with men, whose names have come down to us, as the earliest and most determined champions of our rights. Ever since the year 1763, a spirit of opposition to the British government, had been gradually arising in the province, and this spirit was more and more increased, by the arbitrary measures of the mother country, which seemed to be the mere offsprings of rashness and folly. The attachment to England was considerable in all the colonies, but in Virginia it was more than usually strong; many of the principal families of the state, were connected with it by the strongest ties of consanguinity; the young men of promise, were sent thither to complete their education in its colleges; and

by many, and those not the least patriotic, it was fondly looked to as their *home*. To sever this connexion, one would suppose to be a work of no ordinary facility; yet such was the rash course pursued by the British ministry, that a very brief period was sufficient to dissolve in every breast, that glowed with national feeling, the ties which had been formed by blood, by time and by policy; a very short experience was enough to convince every mind, conversant with the political history of the world, and able to weigh, amid the tumult of the times, the probable chances of successful resistance, with the miseries of submission or defeat, that there was no hazard too great to be encountered, for the establishment of institutions, which would secure the country from a repetition of insults that could only end in the most abject slavery. It will not be doubted, that Mr. Jefferson was among the first to perceive the only course that could be adopted; his own expressive language portrays at once the sufferings of the country, and the necessity of resistance.

“ The colonies were taxed internally and externally; their essential interests sacrificed to individuals in Great Britain; their legislatures suspended; charters annulled; trials by juries taken away; their persons subjected to transportation across the Atlantic, and to trial before foreign judicatories; their supplications for redress thought beneath answer; themselves published as cowards in the councils of their mother country and courts of Europe; armed troops sent amongst them to enforce submission to these violences; and actual hostilities commenced against them. No alternative was presented

but resistance, or unconditional submission. Between these there could be no hesitation. They closed in the appeal to arms."

On the first of January, 1772, Mr. Jefferson married the daughter of Mr. Wayles, an eminent lawyer of Virginia; an alliance by which he at once gained an accession of strength and credit; and secured in the intervals of public business (which indeed were few) the domestic happiness he was so well fitted to partake and to enjoy. Its duration however was but short; in little more than ten years, death deprived him of his wife, and left him the sole guardian of two infant daughters, to whose education he devoted himself with a constancy and zeal, which might in some degree compensate for the want of a mother's care and instruction.

On the 12th March, 1773, Mr. Jefferson was appointed a member of the first committee of correspondence, established by the colonial legislatures; one of the most important acts of the revolution, and which paved the way for that union of action and sentiment, from which arose the first effective resistance, and on which depended the successful conduct and final triumph of the cause.

The year 1774, found Mr. Jefferson still an active member of the legislature of Virginia. The passage of the Boston Port Act, and the bills which immediately followed it, had filled up the measure of insult and oppression. The private property of all was to be sacrificed for the public conduct of a few; the faith of charters was unhesitatingly violated; and personal liberty and life itself were destroyed, without resort to the common

forms of justice, and without redress. At this crisis Mr. Jefferson found time, amid the arduous and incessant labours of his public life, to write and publish his "Summary View of the Rights of British America."

This pamphlet he addressed to the king, as the chief officer of the people, appointed by the laws and circumscribed with definitive power, to assist in working the great machine of government, erected for their use, and consequently subject to their superintendence. He reminded him, that our ancestors had been British freemen, that they had acquired their settlements here, at their own expense and blood; that it was for themselves they fought, for themselves they conquered, and for themselves alone, they had a right to hold. That they had indeed thought proper to adopt the same system of laws, under which they had hitherto lived, and to unite themselves under a common sovereign; but that no act of theirs had ever given a title to that authority, which the British parliament would now arrogate. That the crown had unjustly commenced its encroachments, by distributing the settlements among its favourites, and the followers of its fortunes; that it then proceeded to abridge the free trade, which they possessed as of natural right, with all parts of the world; and that afterwards offices were established of little use, but to accommodate the ministers and favourites of the crown. That during the present reign, the violations of our rights had increased in rapid and bold succession; they were no longer single acts of tyranny, that might be ascribed to the accidental opinion of a day; but a series of oppressions, pursued

so unalterably through every change of ministers, as to prove too plainly a deliberate and systematical plan, of reducing us to slavery. He next proceeds, in a style of the boldest invective, to point out the several acts by which their plan had been enforced, and enters against them a solemn and determined protest. He then considers the conduct of the king, as holding the executive powers of the laws of these states, and points out, without restraint, his deviation from the line of duty; he asserts, that by the unjust exercise of his negative power, he had rejected laws of the most salutary tendency; that he had defeated the repeated attempts of the colonies to stop the slave trade and abolish slavery; thus preferring the immediate advantages of a few African corsairs, to the lasting interests of the American states, and to the rights of human nature, deeply wounded by this infamous practice. That inattentive to the necessities of his people, he had neglected for years, the laws which were sent for his inspection. And that assuming a power, for advising the exercise of which, the English judges in a former reign had suffered death as traitors to their country, he had dissolved the representative assemblies and refused to call others. That to enforce these, and other arbitrary measures, he had from time to time sent over large bodies of armed men, not made up of the people here, nor raised by the authority of their laws. That to render these proceedings still more criminal, instead of subjecting the military to the civil powers, he had expressly made the latter subordinate to the former. That these grievances were thus laid be-

fore their sovereign, with that freedom of language and sentiment which became a free people, whom flattery would ill beseem, when asserting the rights of human nature; and who knew nor feared to say, that kings are the servants, not the proprietors of the people.

In these sentiments, bold as they were, his political associates united with him; they considered that which was nominally directed against the colonies of New England alone, equally an attack on the liberties and rights of every other province. They resolved that the first of June, the day on which the operation of the Boston port bill was to commence, should be set apart by the members, as a day of fasting, humiliation and prayer; "devoutly to implore the divine interposition, for averting the heavy calamities which threatened destruction to their civil rights, and the evils of a civil war; and to give them one heart and one mind, to oppose, by all just and proper means, every injury to American rights."

Such proceedings greatly exasperated lord Dunmore, the royal governor of the province. He threatened a prosecution for high treason against Mr. Jefferson, who boldly avowed himself the author of the obnoxious pamphlet, and dissolved the house of burgeses, immediately after the publication of their resolution. Notwithstanding these arbitrary measures, the members met in their private capacities and mutually signed a spirited declaration, wherein they set forth the unjust conduct of the governor, which had left them this, the only method to point out to their countrymen, the mea-

asures they deemed the best fitted to secure their rights and liberties from destruction, by the heavy hand of power. They told them, that they could no longer resist the conviction, that a determined system had been formed to reduce the inhabitants of British America to slavery, by subjecting them to taxation without their consent, by closing the port of Boston, and raising a revenue on tea. They therefore strongly recommended a close alliance with their sister colonies, the formation of committees of correspondence, and the annual meeting of a general congress; earnestly hoping that a persistence in those unconstitutional principles, would not compel them to adopt measures of a character more decisive.

The year 1775 opened in England, with attempts, at once by the friends and the enemies of the colonies, to effect a reconciliation. Perhaps the period had passed away, when success was to be expected, from the efforts of the former; but even an experiment on their plan was not allowed to be made. The house of lords received, with chilling apathy, the proposition submitted by the energy, the patriotism and the experience of the dying Chatham; and the house of commons listened without conviction, to the well digested plans of Mr. Burke, brought forward as they were, with an eloquence unequalled perhaps in the records of any age or country, and supported by that intuitive quickness of perception, that astonishing correctness of foresight, which almost gives to his political predictions, the character of prophetic inspiration.

The ministry were determined that the reconciliation, if indeed they ever sincerely wished for one, should proceed from themselves, and be made on their own terms; they offered that so long as the colonial legislatures should contribute a fair proportion for the common defence, and for the support of the civil government, no tax should be laid by parliament; but that the amount raised by these means, should be disposable by that body. This proposition, bearing indeed some semblance of conciliation, but in fact yielding no single point of that arbitrary system which Great Britain had chosen to adopt, was carried by a large majority, and sent to the governors of the several colonies, with directions to lay it before the respective legislatures. It was at least hoped, that if the scheme did not finally succeed, it might produce disunion or discontent.

On the first of June, 1775, lord Dunmore presented to the legislature of Virginia, the resolution of the British parliament. It was referred immediately to a committee, and Mr. Jefferson was selected to frame the reply. This task he performed with so much strength of argument, enlightened patriotism, and sound political discretion, that the document has been ever considered, as a state paper of the highest order. It is found in most of the histories of that period, and for a work like this, it may be sufficient merely to give the sentence, with which he concludes a series of propositions, and an array of facts, alike unanswered and unanswerable.

“ These, my lord, are our sentiments on this important subject, which we offer only as an individual part of the whole empire. Final determination we leave to the general congress now sitting, before whom we shall lay the papers your lordship has communicated to us. For ourselves, we have exhausted every mode of application, which our invention could suggest as proper and promising. We have decently remonstrated with parliament, they have added new injuries to the old; we have wearied our king with supplications, he has not deigned to answer us; we have appealed to the native honour and justice of the British nation, their efforts in our favour have hitherto been ineffectual. What then remains to be done? That we commit our injuries to the even handed justice of that Being who doth no wrong, earnestly beseeching him to illuminate the councils, and prosper the endeavours of those to whom America hath confided her hopes; that through their wise directions, we may again see reunited the blessings of liberty, prosperity, and harmony with Great Britain.”

Mr. Jefferson had been elected, on the twenty-seventh of March, 1775, one of the members to represent the province of Virginia, in the general congress of the confederated colonies, already assembled at Philadelphia. When about to leave the colony, a circumstance is said to have occurred to him, and to Mr. Harrison and Mr. Lee, his fellow delegates, that conveyed a noble mark of the unbounded confidence, which their constituents reposed in their integrity and virtue. A portion of the inhabitants, who, far removed from the scenes of actual tyranny,

which were acted in New England, and pursuing uninterruptedly their ordinary pursuits, could form no idea of the slavery impending over them, waited on their three representatives, just before their departure, and addressed them in the following terms ;

“ You assert that there is a fixed design to invade our rights and privileges ; we own that we do not see this clearly, but since you assure us that it is so, we believe the fact. We are about to take a very dangerous step ; but we confide in you, and are ready to support you in every measure you shall think proper to adopt.”

On Wednesday, the twenty-first of June, 1775, Mr. Jefferson appeared and took his seat in the continental congress ; and it was not long before he became conspicuous among those, most distinguished by their abilities and ardour. In a few days after his arrival, he was made a member of a committee appointed to draw up a declaration, setting forth the causes and necessity of resorting to arms ; a task, which, like all the other addresses of this congress, was executed with singular ability, and in which it is more than probable, the Virginia delegate took no inconsiderable part.

In July, the resolution of the house of commons for conciliating the colonies, which had been presented to the different legislatures, and to which, as we have already related, Mr. Jefferson had framed the reply of Virginia, was laid before congress. He was immediately named, as a member of the committee to whom it was referred, and in a few days a report was presented embracing the same general views as his own, and repeat-

ing that the neglect with which all our overtures were received, had destroyed every hope, but that of reliance on our own exertions.

On the eleventh of August, Mr. Jefferson was again elected a delegate from Virginia, to the third congress. During the winter, his name appears very frequently on the journals of that assembly, and we find him constantly taking an active part, in the principal matters which engaged its attention. He was a member of various committees, but from the information to be obtained from the records of congress, and it is but scanty, his attention seems rather to have been devoted to objects of general policy, the arrangement of general plans and systems of action, the investigation of important documents, and objects of a similar nature, than to the details of active business for which other members could probably be found, equally well qualified.

With the commencement of the year 1776, the affairs of the colonies, and certainly the views of their political leaders, began to assume a new aspect, one of more energy, and with motives and objects more decided and apparent. Eighteen months had passed away, since the colonists had learned by the entrenchments at Boston, that a resort to arms was an event, not beyond the contemplation of the British ministry; nearly a year had elapsed, since the fields of Concord and Lexington had been stained with hostile blood; during this interval armies had been raised, vessels of war had been equipped, fortifications had been erected, gallant exploits had been performed, and eventful battles had been lost and

won; yet still were the provinces bound to their British brethren, by the ties of a similar allegiance; still did they look upon themselves as members of the same empire, subjects of the same sovereign, and partners in the same constitution and laws. They acknowledged, that the measures they had adopted were not the result of choice, but the exercise of a right if not a duty, resulting from this very situation; they confessed that they were engaged in a controversy peculiarly abhorrent to their affections, and whose only object was to restore the harmony which had formerly existed between the two countries, and to establish concord between them, on so firm a basis, as to perpetuate its blessings uninterrupted by any future dissensions, to succeeding generations in both countries.

There is indeed among all men a natural reluctance to throw off those habits, we may say principles, to which they have become attached, by education and long usage—there is an uncertainty always hanging over the future, that makes us dread to explore it, in search of an expected but uncertain good—and we seem rather willing to wait until fortune or time shall afford a remedy, than to seek it by boldly grasping at that, which although bright and beautiful in appearance, can be reached only with toil and danger, and may prove at last a phantom. A revolution, however just in its principles, however plausible in its conduct, however pure in its ends, cannot be but uncertain in its results; and though even the thinking and the good will not hesitate, when no other means are left to preserve those rights without

which happiness is only a name, they will resort to it as the last resource, after every other expedient has been tried, after long suffering, with hesitation, almost with regret.

Every expedient, however, short of unconditional separation, had now been tried by congress—but in vain. It appeared worse than useless, longer to pursue measures of open hostility, and yet to hold out the promises of submission. The time had arrived when a more decided stand must be taken—the circumstances of the nation demanded it, the success of the struggle depended on it. The best and wisest men had become convinced, that no accommodation could take place, and that a course which was not marked by decision, would create dissatisfaction among the resolute, while it would render more uncertain the feeble and the wavering.

During the spring of 1776, therefore, the question of independence, became one of very general interest and reflection among all classes of the nation. It was taken into consideration by some of the colonial legislatures, and in Virginia a resolution was adopted in favour of its immediate declaration.

Under these circumstances, the subject was brought directly before congress, on Friday, the seventh June, 1776. It was discussed very fully on the following Saturday and Monday, after which they came to the determination, to postpone the further consideration of it until the first of July following; and in the mean while, that no time might be lost, in case the congress should agree thereto, a committee was appointed to prepare a decla-

ration "That these United Colonies are, and of right ought to be, free and independent states: that they are absolved from all allegiance to the British crown; and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved."

This committee consisted of Mr. Jefferson, Mr. J. Adams, Mr. Franklin, Mr. Sherman, and Mr. R. R. Livingston, and to Mr. Jefferson, the chairman of the committee, was ultimately assigned the important task of preparing the draught of the document for the formation of which they had been appointed.

The task thus devolved on Mr. Jefferson, was of no ordinary magnitude: and required the exercise of no common judgment and foresight. The act was one, which in its results, would operate far beyond the effects of the moment: and which was to indicate, in no small degree, the future tone of feeling, and the great course of policy that were to direct the movements of a new and extensive empire. Yet it was on all hands surrounded with difficulty and danger—clouds and darkness rested on the future—and without experience, without resources, and without friends, they were entering on a wide field, with nought but providence for their guide. Even the feelings of the nation, the very feelings which prompted the act, were to be examined with caution and relied on with distrust, for how much soever they might be the primary cause, and however powerfully they might exist at the moment, their effect would have ceased, and their operation would be unknown, at that period when the principles they had called forth were

in full exercise. Yet all this caution and distrust was to be exerted, amid the excitement of passion, the fluctuation of public opinion, and the headstrong impetuosity, which made the people, whose act it purported to be, blind to every thing but their own wrongs, and the deepest emotions of exasperation and revenge.

It was an act which at once involved the dearest and most vital interests of the whole people. It overturned systems of government long established, and sacrificed a trade, already amounting annually to more than twenty millions of dollars. By it the whole nation was to stand or fall; it was a step that could not be retracted; a pledge involving the lives, the fortunes, and the honour of thousands, which must be redeemed at the deepest cost of blood and treasure; it was a measure, supposed to be viewed unfavourably by a very large proportion of those whose interests and happiness were concerned in it, and, as such, a want of prudence in its conduct, as well as of success in its end, would be attended with even more than ridicule or disgrace.

Nor was it in America alone, that its effects would be felt; it was a document to guide other nations in their course of policy, to turn their attention to our situation, in which there was nothing to dazzle and little to interest, and to bring them if possible into our alliance. As such, it would become a matter of deep reflection by prudent if not unfeeling statesmen, far removed from the scene of action; looking upon it without passion; and forming from it their opinions of our character, and the reliance that might be placed on us. In a word while it purported

to be, as it was, the offspring of injuries unatoned for, and rights wantonly violated, it was to bear the marks of calm heroic devotion, and to show us ardent in the pursuit and preservation of our rights, but cool and deliberate in our plans, slow in undertaking that which was attended with uncertainty and danger, but, once convinced of its necessity, undeviating in our course, and fixed on the object of pursuit.

It presented indeed to the consideration of the world, an object of greater magnitude than had for ages engaged its attention. It was no question of insulted flags, or violated boundaries; no matter to be traced through the labyrinths of diplomacy, or to be settled by the rules of court etiquette. It was not the manifesto of an ambitious sovereign, who proclaims to the world in loud and haughty language, a long catalogue of imaginary grievances, to form a pretext for the violation of plighted faith and the last resort to arms. But it was the manly declaration of indignant suffering; the result of injury protracted beyond endurance; the just appeal to the only remedy that was left, after every milder method had been tried in vain.

To frame such a document, was the effort of no ordinary mind. That of Mr. Jefferson proved fully equal to the task. His labours received the immediate approbation and sanction of the committee; and their opinion has been confirmed by the unvarying testimony of succeeding ages, and of every nation where it has been known.

On the twenty-eighth of June the Declaration of Independence was presented to congress, and read; on the first, second and third of July, it was taken into very full consideration; and on the fourth, it was agreed to after several alterations and considerable omissions had been made in the draught, as it was first framed by the committee.

The declaration in its original form, compared with that which was subsequently given to the world, is a document of such interest, and seems indeed so peculiarly proper to be inserted in a memoir of its illustrious author, that we subjoin it; marking in italics the words which were erased by congress, and introducing between brackets, the additions and substitutions that were made, before it received the final sanction of that assembly.

A Declaration by the Representatives of the United States of America, in General Congress assembled.

“When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature’s God entitle them, a decent respect to the opinions of mankind, requires that they should declare the causes which impel them to the separation.

We hold these truths to be self evident, that all men are created equal; that they are endowed by their Creator with

[certain] *inherent and* unalienable rights; that amongst these are, life, liberty and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established, should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, *begun at a distinguished period and* pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards to their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to [alter] *expunge* their former systems of government.

The history of the present king of Great Britain is a history of [repeated] *unremitting* injuries and usurpations, *among which appears no solitary fact to contradict the uniform tenor of the rest; but all have* [all having,] in direct object, the establishment of an abso-

lute tyranny over these states. To prove this, let facts be submitted to a candid world, *for the truth of which we pledge a faith yet unsullied by falsehood.*

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly *and continually*, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time after such dissolutions to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining in the mean time exposed to all the danger of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage

their migrations hither, and raising the conditions of new appropriations of lands.

He has *suffered* [obstructed] the administration of justice *totally to cease in some of these states*, [by] refusing his assent to laws for establishing judiciary powers.

He has made *our* judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, *by a self assumed power*, and sent hither swarms of officers to harass our people and eat out their substance.

He has kept among us in times of peace standing armies, *and ships of war*, without the consent of our legislatures.

He has affected to render the military independent of and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation,

For quartering large bodies of armed troops among us:

For protecting them, by mock trial, from punishment for any murders which they should commit on the inhabitants of these states:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, [in many cases,] of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these *states* [colonies:]

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us, in all cases whatever:

He has abdicated government here *withdrawing his governors, and* [by] declaring us out of his [allegiance and] protection, [and waging war against us:]

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people:

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy, [scarcely paralleled in the most barbarous ages, and] totally unworthy the head of a civilized nation.

The three next paragraphs in the original draught, were as follows:

He has endeavoured to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions of existence.

“He has incited treasonable insurrections of our fellow citizens, with the allurements of forfeiture and confiscation of our property.

“He has constrained others, taken captives on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

In place of the three paragraphs erased, the two following were introduced:

[He has constrained our fellow citizens taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.]

[He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction, of all ages, sexes and conditions.]

The next paragraph, which related to the slave trade, was entirely erased. It was as follows:

He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people, who never offended him, captivating and carrying them into slavery, in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of infidel powers, is the warfare of a Christian king of Great Britian. Determined to keep open a market where MEN should be bought and sold, he has prostituted his negative for suppressing every legis-

lative attempt to prohibit or restrain this execrable commerce; and that this assemblage of horrors might want no fact of distinguished dye, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people upon whom he also obtruded them; thus paying off former crimes committed against the liberties of one people, with crimes which he urges them to commit against the lives of another.

In every stage of these oppressions, we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a [free] people *who mean to be free.* *Future ages will scarce believe that the hardness of one man adventured within the short compass of twelve years only, to build a foundation so broad and undisguised, for tyranny over a people fostered and fixed in principles of freedom.*

Nor have we been wanting in attentions to our British brethren. We have warned them from time to time, of attempts by their legislature *to extend a jurisdiction over these our states*, [to extend an unwarrantable jurisdiction over us.] We have reminded them of the circumstances of our emigration and settlement here, *no one of which could warrant so strange a pretension: that these were effected at the expense of our own blood and treasure, unassisted by the wealth or the strength of Great Britain: that in constituting indeed our several forms of government, we had adopted one common king,*

thereby laying a foundation for perpetual league and amity with them: but that submission to their parliament was no part of our constitution, nor ever in idea, if history may be credited; and we [have] appealed to their native justice and magnanimity, as well as to [and we have conjured them by] the ties of our common kindred, to disavow these usurpations, which were likely to [would inevitably] interrupt our connexions and correspondence. They too, have been deaf to the voice of justice and of consanguinity; and when occasions have been given them by the regular course of their laws, of removing from their councils, the disturbers of our harmony, they have by their free election re-established them in power. At this very time too, they are permitting their chief magistrate to send over not only soldiers of our common blood, but [Scotch and] foreign mercenaries to invade and destroy us. These facts have given the last stab to agonizing affection; and manly spirit bids us to renounce forever these unfeeling brethren. We must endeavour to forget our former love for them, and to hold them as we hold the rest of mankind, enemies in war, in peace friends. We might have been a free and a great people together; but a communication of grandeur and of freedom it seems, is below their dignity. Be it so, since they will have it. The road to happiness and to glory is open to us too: we will climb it apart from them, and acquiesce in the necessity which denounces our eternal separation. [We must therefore acquiesce in the necessity, which denounces our separa-

tion, and hold them, as we hold the rest of mankind. enemies in war, in peace friends.]

We, therefore, the representatives of the UNITED STATES OF AMERICA, IN GENERAL CONGRESS ASSEMBLED, [appealing to the supreme judge of the world for the rectitude of our intentions] do, in the name, and by authority of the good people of these *states* [colonies,] *reject and renounce all allegiance and subjection to the kings of Great Britain, and all others, who may hereafter claim by, through, or under them; we utterly dissolve all political connexion which may heretofore have subsisted between us and the parliament of Great Britain; and finally we do assert* [solemnly publish and declare] That these United Colonies are, [and of right ought to be,] free and independent states; [that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved,] and that as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this Declaration, [with a firm reliance on DIVINE PROVIDENCE,] we mutually pledge to each other, our lives, our fortunes, and our sacred honour.

During the summer of this year, 1776, Mr. Jefferson took an active part in the deliberations and business of congress. his name appears on the journals of the house

very often, and he was a member of several highly important committees. Being obliged however to return to Virginia, he was during his absence, appointed, in conjunction with Dr. Franklin and Mr. Deane, a commissioner to the court of France, for the purpose of arranging with that nation a measure, now become of vital necessity, the formation of treaties of alliance and commerce. But owing at once to the state of his health, the situation of his family, and the embarrassed position of public affairs, especially in his own state, he was convinced that to remain in America, would be more useful than to go abroad, and in a letter to congress of the eleventh of October, declined the appointment.

From this period, during the remainder of the revolutionary war, Mr. Jefferson devoted himself mainly to the service of his own state. In June he had been a third time, elected a delegate to congress, but in October following, he resigned his situation in that body, and was succeeded by Benjamin Harrison. The object which now chiefly engaged him was the improvement of the civil government of Virginia. In May preceding, immediately on the disorganization of the colonial government, the convention assembled at Richmond, had turned their attention to the formation of a new plan of government; and with a haste, which bespeaks rather the ardour of a zealous and oppressed people, for the assertion of their own rights, than the calm deliberation that should attend an act, in which their future welfare was so deeply involved, they adopted their constitution in the following month. Mr. Jefferson was at this time

absent in Philadelphia, a delegate to congress; foreseeing the inevitable result of the contest between the colonies and the mother country, he had for a long while devoted much reflection and research, to maturing a plan for a new government, and had already formed one, on the purest principles of republicanism. This draught he transmitted to the convention; but unfortunately, the one that they had hastily framed, had received a final vote, on the day it reached Richmond. The debate had already been ardent and protracted, the members were wearied and exhausted, and after making a few alterations, and adopting entire the masterly declaration of rights which Mr. Jefferson had prefixed, it was thought expedient for the present, to adhere to the original plan, imperfect as on all hands it was acknowledged to be.

The extremes of right and wrong are said very closely to approach each other. An incident in the political history of Virginia, does not invalidate this maxim. In June, this constitution had been adopted, breathing in every article the most vehement spirit of equal rights, and established on the downfall of arbitrary rule. In the following December, a serious proposition was made to establish a dictator, "invested with every power legislative, executive and judiciary, civil and military, of life and of death, over our persons and over our properties." To the wise and good of every party, such a scheme could not but appear as absurd as it was dangerous. In Mr. Jefferson it found a ready and successful opponent at the time, and he has devoted to its consideration and censure, a few pages of his later works.

A wiser plan was adopted to relieve the state from its difficulties, by a careful revision of its laws. A commission was appointed for this purpose, consisting of Thomas Jefferson, Edmund Pendleton, George Wythe, George Mason and Thomas Ludwell Lee, who employed themselves zealously in their task, from the commencement of the year 1777, to the middle of 1779. In that period it is said, their industry and zeal prepared no less than one hundred and twenty-six bills, from which are derived all the most liberal features of the existing laws of the commonwealth. The method they pursued was marked with prudence and intelligence. It is thus described by Mr. Jefferson himself.

“The plan of the revisal was this. The common law of England, by which is meant, that part of the English law which was anterior to the date of the oldest statutes extant, is made the basis of the work. It was thought dangerous to attempt to reduce it to a text: it was therefore left to be collected from the usual monuments of it. Necessary alterations in that, and so much of the whole body of the British statutes, and of acts of assembly, as were thought proper to be retained, were digested into a hundred and twenty-six new acts, in which simplicity of style was aimed at, as far as was safe.”

In the account which Mr. Jefferson has given, of this revisal of the laws of Virginia, he has with the modesty of true greatness, suppressed every word which could indicate his own participation in an employment, so highly honourable. But it is the duty of those who record the actions of the great, to point out that which

their own modesty would conceal. It should be mentioned, that in addition to the prominent and laborious part which Mr. Jefferson took in the general revision, Virginia owes to his enlightened mind alone, the most important and beneficial changes in her code. The laws forbidding the future importation of slaves; converting estates tail into fees simple; annulling the rights of primogeniture; establishing schools for general education; sanctioning the right of expatriation; and confirming the rights of freedom in religious opinion, were all introduced by him, and were adopted at the time they were first proposed, or at a subsequent period; and, in addition to these, he brought forward a law proportioning crimes and punishments, which was afterwards passed under a different modification.

To enter into the details of these laws, would lead us from the objects, as it would far exceed the limits of this slight sketch; yet to the lawyer and the politician, they may be recommended as containing many an invaluable lesson in legal and political science, and to those who have been accustomed to view this great statesman rather as the author of ingenious theories, than a lawgiver skilled in the practical details of government, and the useful application of laws to the great exigencies of civil society, they will speak more, than the most laboured panegyric.

Nor was it in public duties alone that Mr. Jefferson was employed; with a zeal alike honourable and useful, he devoted his attention to the personal welfare of those of the enemy, whom the chances of war had placed

within his reach. It will be recollected, that Congress had deemed it prudent to retain in America, the troops who had surrendered at Saratoga, until an authentic ratification of the convention, entered into by the British general, should be obtained from his government. In the mean time it was thought expedient, to remove them into the interior of the country, and Charlottesville in Virginia was selected, as the place of their destination.

There they arrived early in the year 1779. The winter was uncommonly severe; the barracks unfinished for want of labourers; no sufficient stores of bread laid in; and the roads rendered impassable by the inclemency of the weather, and the number of wagons which had lately traversed them. Mr. Jefferson, aided by Mr. Hawkins the commissary general, and the benevolent dispositions of his fellow citizens, adopted every plan to alleviate the distresses of the troops, and to soften as much as possible the hardships of captivity. Their efforts were attended with success. The officers who were able to command money, rented houses and small farms in the neighbourhood, while the soldiers enlarged the barracks and improved their accommodations, so as in a short time to form a little community, flourishing and happy. These arrangements had scarcely been completed, when in consequence of some powers lodged in them by congress, the governor and council of Virginia determined to remove the prisoners to another part of the state; this intention was heard by the captives themselves with distress, and by those amongst

whom they were settled, with regret. Mr. Jefferson immediately addressed a letter to governor Henry, in which he stated in strong and glowing language, the impolicy and impropriety of such a measure. His appeal was successful, and the troops were permitted to remain. Indeed the hospitality and generous politeness of Mr. Jefferson to these unfortunate strangers was such, as to secure their lasting friendship and esteem. From them he received many letters, expressing the warmth of their attachment and gratitude; and in his subsequent travels through Europe, when chance again threw him into their society, they loaded him with civility and kindness, and spoke to their countrymen, in warm terms, of the hospitality of Virginia. When about to leave Charlottesville, the principal officers wrote to him, to renew their thanks, and to bid him adieu; the answer of Mr. Jefferson to one of them has been preserved. "The little attentions," he says, "you are pleased to magnify so much, never deserved a mention or a thought. * * * * * Opposed as we happen to be in our sentiments of duty and honour, and anxious for contrary events, I shall, nevertheless, sincerely rejoice in every circumstance of happiness and safety which may attend you personally." To another of them he thus wrote, "The very small amusements which it has been in my power to furnish, in order to lighten your heavy hours, by no means merited the acknowledgments you make. Their impression must be ascribed to your extreme sensibility, rather than to their own weight. When the course of events shall have removed you to distant scenes of action, where laurels not

moistened with the blood of my country, may be gathered, I shall urge my sincere prayers for your obtaining every honour and preferment, which may gladden the heart of a soldier. On the other hand, should your fondness for philosophy resume its merited ascendancy, is it impossible to hope that this unexplored country may tempt your residence, by holding out materials, wherewith to build a fame, founded on the happiness and not on the calamities of human nature? Be this as it may, a philosopher or a soldier, I wish you personally many felicities."

On the first of June, 1779, the term for which Mr. Henry, the first republican governor of Virginia, had been chosen, having expired, Mr. Jefferson was elected to fill that office. The time was one at which its duties had become arduous and difficult; it was at that period of the war, when the British government, exasperated by the long protraction of hostilities, and goaded by their continual defeats, had increased the usual horrors of warfare, by the persecution of the wretched prisoners who fell into their power. The governor of Virginia among others, promptly expressed his determination to adopt, as the only resource against a system of warfare so barbarous and unheard of, a retaliation on the British prisoners in his power. "I shall give immediate orders," he says in a letter to general Washington, "for having in readiness every engine, which the enemy have contrived for the destruction of our unhappy citizens, captivated by them. The presentiment of these operations is shocking beyond expression. I pray Heaven to avert

them; but nothing in this world will do with such an enemy but proper firmness and decision!" This course, for a short time, produced on the part of the enemy an excess of cruelty, especially directed against the officers and soldiers of Virginia; it was, however, without avail; the measure was the last resort, brought on by a long course of unfeeling conduct, and the only remedy that was left.—"There is nothing" said the governor in a letter to one of the prisoners, "you may be assured, consistent with the honour of your country, which we shall not, at all times, be ready to do for the relief of yourself and companions in captivity. We know that ardent spirit and hatred for tyranny, which brought you into your present situation, will enable you to bear against it with the firmness which has distinguished you as a soldier, and to look forward with pleasure to the day when events shall take place, against which the wounded pride of your enemies will find no comfort, even from reflections on the most refined of the cruelties with which they have glutted themselves." The policy of the measure was proved by its ultimate success; and the British government, when taught by experience, acknowledged the correctness of a principle which they had refused to listen to, when urged only by the dictates of humanity and the usages of civilized society.

In the year 1780, Virginia, which had hitherto been distant from the seat of actual warfare, was threatened with invasion from the south. In the spring, the ferocious Tarleton had made his appearance on her southern borders, marking his path with a barbarity, in compari-

son to which, the well known horrors of Indian warfare may almost seem humane. Immediately after him, followed the main army under lord Cornwallis. It was then time for Virginia to exert herself. Troops were rapidly raised and sent off to the south, artillery and ammunition were collected, lines of communication established, and every preparation made to meet the enemy. It is needless to remark, that all the former habits and pursuits of the governor, had been of a kind little likely to fit him for military command; but aware of the importance of energy and exertion, at such a crisis, he bent his mind to the new task which fortune had thrown upon him, with alacrity and ardour. "Our intelligence from the southward," he writes to general Washington, on the eleventh June, "is most lamentably defective. Though Charleston has now been in the hands of the enemy a month, we hear nothing of their movements, which can be relied upon. Rumours say that they are penetrating northward. To remedy this defect, I shall immediately establish a line of expresses from hence to the neighbourhood of their army, and send thither a sensible, judicious person, to give us information of their movements. This intelligence will, I hope, be conveyed at the rate of one hundred and twenty miles, in the twenty-four hours. They set out to their stations to-morrow. I wish it were possible that a like speedy line of communication could be formed, from hence to your excellency's head quarters. Perfect and speedy information of what is passing in the south, might put it in your power perhaps to frame your measures by theirs.

'There is really nothing to oppose the progress of the enemy northward, but the cautious principle of the military art. North Carolina is without arms. They do not abound with us. Those we have are freely imparted to them; but such is the state of their resources that they have not been able to move a single musket from this state to theirs. All the wagons we can collect here, have been furnished to the Baron De Kalb, and are assembled for the march of two thousand five hundred men under general Stevens, of Culpepper, who will move on the nineteenth instant. I have written to congress to hasten supplies of arms and military stores for the southern states, and particularly to aid us with cartridge paper and boxes, the want of which articles, small as they are, renders our stores useless. The want of money cramps every effort. This will be supplied by the most unpalatable of all substitutes, force. Your excellency will readily conceive that, after the loss of one army, our eyes are turned towards the other, and that we comfort ourselves with the hope that, if any aids can be furnished by you, without defeating the operations more beneficial to the union, they will be furnished. At the same time, I am happy to find that the wishes of the people go no further, as far as I have an opportunity of learning their sentiments. Could arms be furnished, I think this state and North Carolina would embody from ten to fifteen thousand militia immediately, and more, if necessary. I hope ere long to be able to give you a more certain statement of the enemy's as well as our own situation."

The legislature, becoming fully aware of their danger, adopted the most vigorous measures, for the increase and support of the southern army. They conferred on the governor, new and extraordinary powers; and that officer exerted himself in every mode, which ingenuity could suggest, to ward off the approaching danger.

While however all eyes were turned to the south, a sudden attack in another quarter, was the more disastrous as it was the less expected.

Arnold, whose treachery seems to have increased the natural daring and recklessness of his temper, aware of the unprotected situation of Virginia on the sea board, formed a plan for an attack on that quarter. He set sail from New York, with sixteen hundred men, and supported by a number of armed vessels, ascended James river, and landed about fifteen miles below Richmond. All the militia of the state, that could be supplied with arms, had been already called out, and placed in the neighbourhood of Williamsburg, under the orders of general Nelson. This event seemed to leave the governor almost without resource; he saw the enemy, within a few miles of the capital of the state, which was entirely undefended; he collected hastily about two hundred half armed militia, whom he placed under the command of baron Steuben, for the purpose of protecting the removal of the records and military stores, across James river; he superintended their movements in person with the utmost zeal, courage and prudence; and he was seen coolly issuing his orders, until the enemy had

actually entered the lower part of the town, and begun to flank it with their light horse.

Although Arnold had thus succeeded, in plundering and laying waste the country, the governor determined if possible, that the traitor should not escape with impunity; he believed that a plan for his capture prudently formed, and boldly executed, would be attended with success; this scheme he explains in a letter, written to general Muhlenberg, on the thirty-first of January, as follows:

“SIR—Acquainted as you are with the treasons of Arnold, I need say nothing for your information, or to give you a proper sentiment of them. You will readily suppose that it is above all things desirable to drag him from those, under whose wing he is now sheltered. On his march to and from this place, I am certain it might have been done with facility, by men of enterprise and firmness. I think it may still be done, though perhaps, not quite so easily. Having peculiar confidence in the men from the western side of the mountains, I meant, as soon as they should come down, to get the enterprise proposed to a chosen number of them, such, whose courage and whose fidelity would be above all doubt. Your perfect knowledge of those men personally, and my confidence in your discretion, induce me to ask you to pick from among them, proper characters, in such numbers as you think best; to reveal to them our desire; and engage them to undertake to seize and bring off this greatest of all traitors. Whether this may be best effected by their going in as friends, and awaiting their opportu-

nity, or otherwise, is left to themselves. The smaller the number the better, so that they may be sufficient to manage him. Every necessary caution must be used on their part, to prevent a discovery of their design by the enemy. I will undertake, if they are successful in bringing him off alive, that they shall receive five thousand guineas reward among them; and to men formed for such an enterprise, it must be a great incitement to know that their names will be recorded with glory in history, with those of Vanwert, Paulding and Williams. The enclosed order from Baron Steuben will authorize you to call for, and to dispose of any force you may think necessary to place in readiness, for covering the enterprise and securing the retreat of the party. Mr. Newton, the bearer of this, and to whom its contents are communicated in confidence, will provide men of trust, to go as guides. These may be associated in the enterprise, or not, as you please; but let the point be previously settled, that no difficulty may arise as to the parties entitled to participate in the reward. You know how necessary profound secrecy is in this business, even if it be not undertaken." Men were found without difficulty, bold enough and ready to undertake this scheme; but it was rendered unavailing by the cautious prudence of Arnold, who avoided every exposure to such a danger.

Frustrated in this plan, the governor turned his attention to another, on a bolder scale, in which he was to be aided by general Washington and the French fleet. The latter, then at Rhode Island, were to sail immediately for James river, to prevent the escape of the enemy by sea,

while a large body of troops should be collected on shore, for the purpose of blockading them, and ultimately compelling a surrender. On the eighth of March, Mr. Jefferson thus writes to the commander in chief, "We have made on our part, every preparation which we were able to make. The militia proposed to operate, will be upwards of four thousand from this state, and one thousand or twelve hundred from Carolina, said to be under general Gregory. The enemy are at this time, in a great measure, blockaded by land, there being a force on the east side of Elizabeth river. They suffer for provisions, as they are afraid to venture far, lest the French squadron should be in the neighbourhood, and come upon them. Were it possible to block up the river, a little time would suffice to reduce them by want and desertions; and would be more sure in its event than any attempt by storm." The French fleet, however, encountered on their arrival at the Chesapeake, a British squadron of equal if not superior force, by which they were driven back; by these means the plan was defeated, and Arnold again escaped.

The disasters of Virginia, and the difficulties of the governor, however, were not yet at an end. Arnold had scarcely left the coast, when Cornwallis entered the state, on the southern frontier. Never was a country less prepared to repel invasion, her troops had been drawn off to distant quarters, her resources had been exhausted to supply other states, and she was alike destitute of military stores, and of funds to obtain them. The whole burden of affairs too, had been thrown on the governor; the legislature had hastily adjourned, on the invasion of

Arnold in January, to meet again at Charlottesville, on the twenty-fourth of May; in the mean time he had no resource, but to make the best of the means which providence had given him, and to depend on that good fortune, which had already so often befriended his country, at moments the most gloomy and unpromising. To resist invasion, the militia was his only force, and the resort even to this, was limited by the deficiency of arms. He used every effort, however, to increase its efficiency. When it was sent into the field, he called into service a number of officers, who had resigned or been thrown out of public employment, by reductions of continental regiments for want of men, and gave them commands; an expedient which, together with the aid of the old soldiers scattered in the ranks, produced a sudden and highly useful degree of skill, discipline and subordination. Men were draughted for the regular regiments, and considerable detachments of the militia were sent to the south, and a number of horses, essentially necessary, were suddenly obtained by an expedient of Mr. Jefferson's. Instead of using a mercenary agency, he wrote to an individual, generally a member of assembly, in each of the counties where they were to be had, to purchase a specified number, with the then expiring paper money. This expedient met with a success, highly important to the common cause. Nor was it sufficient to protect his own state alone; aid was demanded for the Carolinas, and this, though increasing the destitution and distress at home, was furnished to a very considerable extent. At length, however, exhausted by her efforts to

assist her sister states, almost stript of arms, without money, and harassed on the east and on the west with formidable invasions, Virginia appeared at last almost without resource.

In this state of things, the twenty-fourth of May arrived, but it was not until the twenty-eighth that the legislature was formed at Charlottesville, to proceed to business. On that day the governor addressed the following letter to the commander in chief; the general view which it presents of the situation of the state, and the personal feelings of Mr. Jefferson, give it an importance, more than sufficient, to compensate for its length.

“I have just been advised,” he writes on the twenty-eighth of May, “that the British have evacuated Petersburg, been joined by a considerable reenforcement from New York, and crossed James river at Westover. They were on the twenty-sixth instant, three miles advanced towards Richmond, at which place major general, the Marquis Fayette, lay with three thousand men, regulars and militia; that being the whole number we could arm, until the arrival of the eleven hundred stand of arms from Rhode Island, which are about this time at the place where our public stores are deposited. The whole force of the enemy within this state, from the best intelligence I have been able to get, is, I think, about seven thousand men, including the garrison left at Portsmouth. A number of privateers which are constantly ravaging the shores of our rivers, prevent us from receiving any aid from the counties lying on navigable waters; and powerful operations meditated against our

western frontier, by a joint force of British and Indian savages, have, as your excellency before knew, obliged us to embody between two and three thousand men, in that quarter. Your excellency will judge from this state of things, and from what you know of your own country, what it may probably suffer during the present campaign. Should the enemy be able to obtain no opportunity of annihilating the marquis's army, a small proportion of their force may yet restrain his movements effectually, while the greater part is employed in detachments to waste an unarmed country, and lead the minds of the people to acquiesce under those events which they see no human power prepared to ward off. We are too far removed from the other scenes of war, to say whether the main force of the enemy be within this state; but I suppose they cannot any where spare so great an army for the operations of the field. Where it possible for this circumstance to justify in your excellency, a determination to lend us your personal aid, it is evident from the universal voice, that the presence of their beloved countryman, whose talents have so long been successfully employed in establishing the freedom of kindred states, to whose person they have still flattered themselves they retained some right, and have ever looked upon as their *dernier resort* in distress; that your appearance, among them I say, would restore full confidence of salvation, and would render them equal to whatever is not impossible. I cannot undertake to foresee and obviate the difficulties which lie in the way of such a resolution. The whole subject is before you, of

which I see only detached parts—and your judgment will be formed on a view of the whole. Should the danger of the state and its consequence to the Union, be such as to render it best for the whole, that you should repair to its assistance, the difficulty would then be how to keep men out of the field. I have undertaken to hint this matter to your excellency, not only on my own sense of its importance to us, but at the solicitation of many members of weight in our legislature, which has not yet assembled to speak its own desires. A few days will bring to me that relief, which the constitution has prepared for those oppressed with the labours of my office; and a long declared resolution of relinquishing it to abler hands, has prepared my way for retirement to a private station; still, as an individual, I should feel the comfortable effects of your presence, and have (what I thought could not have been) an additional motive for that gratitude, esteem and respect, which I have long felt for your excellency.”

On the second of June, the term for which Mr. Jefferson had been elected, expired, and he returned to the situation of a private citizen, after having conducted the affairs of his state, through a period of difficulty and danger, without any parallel in its preceding or subsequent history, and with a prudence and energy, that might have gained him more fame had the times been more propitious, but which from that very reason, have been and will be more appreciated and honoured, in succeeding times.

Two days after his retirement from the government, and when on his estate at Monticello, intelligence was suddenly brought, that Tarleton at the head of two hundred and fifty horse, had left the main army, for the purpose of surprising and capturing the members of assembly at Charlottesville. The house had just met, and was about to commence business, when the alarm was given; they had scarcely taken time to adjourn informally, to meet at Staunton on the seventh, when the enemy entered the village, in the confident expectation of an easy prey. The escape was indeed narrow, but no one was taken. In pursuing the legislature however, the governor was not forgotten; a troop of horse under a captain M'Leod had been despatched to Monticello, fortunately with no better success. The intelligence received at Charlottesville was soon conveyed thither, the distance between the two places being very short. Mr. Jefferson immediately ordered a carriage to be in readiness to carry off his family, who, however, breakfasted at leisure with some guests. Soon after breakfast, and when the visitors had left the house, a neighbour rode up in full speed, with the intelligence that a troop of horse was then ascending the hill. Mr. Jefferson now sent off his family, and after a short delay for some indispensable arrangements, mounted his horse, and taking a course through the woods, joined them, at the house of a friend, where they dined. It would scarcely be believed by those not acquainted with the fact, that this flight of a single and unarmed man, from a troop of cavalry, whose whole legion, too, was within

supporting distance, and whose main object was his capture, has been the subject of volumes of reproach in prose and poetry, serious and sarcastic.

In times of difficulty and danger, it is seldom that the actions of the wisest and the best, can escape without censure. Where they are not the marks of malevolence, they are yet dwelt on with morbid distrust by the discontented and the timid; they are contrasted by every speculative reasoner, with the fanciful schemes which his own imagination has suggested; and if they do not chance to be crowned with unexpected success, the failure is attributed to intrinsic weakness, rather than to unavoidable accident. In the preceding pages of this memoir a rapid, and it is acknowledged an insufficient sketch, has been recorded of the public acts of Mr. Jefferson, during the singularly eventful period in which he was placed at the head of the government in Virginia. The truth of those facts may be relied on. From them, a reader of the present day, far removed from the bustle and feelings of the times, may form a calm judgment of the principles and talents of the man, when placed in this station of unexpected difficulty. There is little danger in asserting, that such a judgment will be as favourable to the zeal and talents of the statesman, as it will be honourable to the feelings and patriotism of the man. It would therefore seem almost useless, to record imputed errors and unfounded charges with regard to him, which have passed into oblivion by the lapse of years, were it not in some degree a duty, not to pass un-

noticed, events which, in their own day at least, excited considerable attention.

The meeting of the legislature at Staunton, was attended by several members who had not been present at Richmond, at the period of Arnold's incursion. One of these, a Mr. George Nicholas, actuated, it is said, by no unkind feelings, yet it must be acknowledged with a patriotism somewhat too ardent, accused the late governor of great remissness in his measures on that occasion, and moved for an inquiry into the affair. To this neither Mr. Jefferson nor his friends had the least objection, nor did they make the slightest opposition. The ensuing session of the legislature, was the period fixed for the investigation, but before that time arrived, Mr. Nicholas, convinced that the charges were unfounded, in the most honourable and candid manner declined the farther prosecution of the affair. In the mean time that he might be placed on equal ground for meeting the inquiry, one of the representatives of his county resigned his seat, and Mr. Jefferson was unanimously elected in his place. When the house assembled, no one appeared to bring forward the inquiry; he, however, rose in his place, and recapitulating the charges which had been made, stated in brief terms his own justification. His remarks were no sooner concluded, than the house passed unanimously the following resolution:

“Resolved, That the sincere thanks of the general assembly, be given to our former governor Thomas Jefferson, for his impartial, upright and attentive administration whilst in office. The assembly wish, in the

strongest manner, to declare the high opinion they entertain of Mr. Jefferson's ability, rectitude, and integrity, as chief magistrate of this commonwealth, and mean, by thus publicly avowing their opinion, to obviate and to remove all unmerited censure."

It is due to Mr. Nicholas to state, that in a publication some time afterwards, he made an honourable acknowledgment of the erroneous views he had entertained on the subject. The same candour has not marked all the opponents of Mr. Jefferson; but we are not, however, now to learn, that in the violence of political asperity, circumstances long proved and generally acknowledged to be incorrect, are brought forward with no inconsiderable effrontery, and the mild and the good must be content to wait until age has swept away the fabrications and assertions of faction, and confirmed that which is founded in honesty and truth.

Mr. Jefferson has already appeared before us, as a writer of no ordinary talents; but it has been in one point of view solely, that of a politician. Great as were his skill and knowledge as a statesman, and active as were his labours for the public good, we find him in the year 1781, snatching sufficient leisure amid the tumult and confusion of politics and war, to compose a work devoted exclusively to science. M. De Marbois, the secretary of the French legation in the United States, at the suggestion it is supposed of his own court, proposed to Mr. Jefferson a number of questions relative to the state of Virginia, embracing a general view of its geography, natural productions, statistics, government,

history and laws. To these Mr. Jefferson returned answers full of learning and research; so much so, that the gentleman to whom they were addressed, found it necessary to have a few copies printed in the French language, for the use exclusively, however, of his friends, among whom the work had excited great interest. From one of these copies, a translation was surreptitiously made into English; and this induced Mr. Jefferson at length, in the year 1787, to publish the work himself, under the simple title it still retains of "Notes on Virginia." The principal charms of this little volume are the unpretending simplicity of its style, and the variety of its information. After a lapse of more than forty years, we are surprised at the slow advances we have made in the subjects of which it treats; and when we reflect on the wild state of the country, at that period, the comparatively narrow bounds within which was contained all of civilization and knowledge, we look with astonishment at the facts, that industry could thus accumulate. Even if the length or nature of this memoir would permit it, it seems hardly necessary to analyse a work so generally known; yet one might dwell with pleasure on many of the subjects which its pages embrace, and find in them a cheerful relief from the tedious uniformity of political history. The fanciful theories of Buffon, have met their refutation in the increasing intelligence of succeeding times—*opinionum commenta delet dies, naturæ judicia confirmat*; yet one reads with satisfaction, if not with pleasure, the successful but simple refutation of the greatest philosopher of

his day, by a citizen of an almost unknown and despised country, who had thrown aside for a moment, the sword and the portfolio, to amuse himself in the more congenial investigations of science. The refutation of acknowledged absurdity, has often been the mother of invaluable wisdom; the wild visions of Fulmer, produced the matchless dissertations of Locke. In the interesting picture of Indian habits and manners; the records of their untutored eloquence; the vindication of their bravery, their generosity and their virtue—in the delineation of the character, the fidelity, the kindly feelings of the enslaved negro race, whose champion he had ever been, alike in the times of colonial subjection, and of established freedom—in his investigations relative to religious and political liberty—in his researches in science, philosophy and antiquity, every reader will find much to instruct and amuse. He will not perhaps regret, that he has chosen public life as the great theatre of his ambition, but he will acknowledge, that his fame would probably have been as great, in the more peaceful pursuits of science.

About the close of the year 1782, Mr. Jefferson was appointed a minister plenipotentiary, to join those in Europe, who were to determine on the conditions of a treaty of peace, which it was expected would soon be entered into. In December he arrived at Philadelphia, in order to embark for Europe. Congress immediately ordered, that during his stay in that city, he should have full access to the archives of the government.

The minister of France offered him the French frigate *Romulus*, which was then at Baltimore, for his passage; but, before the ice would permit her to leave the port, intelligence was received that preliminaries of peace between the United States and Great Britain had been signed. Mr. Jefferson wrote to congress from Baltimore, to inquire whether the occasion of his services was not passed, and they, of course, dispensed with his leaving America.

On the sixth of June 1783, Mr Jefferson was again elected a delegate to congress, from the state of Virginia, but he did not take his seat in that body, until the fourth of November following. The part which he immediately acted, was of course a prominent one, and we find him at once engaged in all the principal measures that occupied the public attention. Early in December, letters were received from the commissioners who had been sent to France, accompanied with the definitive treaty between the United States and Great Britain, which had been signed at Paris on the third of September. It was immediately referred to a committee, of which Mr. Jefferson was chairman. On the fourteenth of January, 1784, on the report of this committee, the treaty was unanimously ratified, thus putting an end to the eventful struggle between the two countries, and confirming the independence, which had already been gained. On the thirtieth of March he was elected chairman of congress, and chairman also of a grand committee, instructed to revise the institution of the treasury department, and report such alterations as they should deem expedient.

This they did, in an able report on the fifth of April, embracing a general and comprehensive view, of the finances of the country—a subject of infinite difficulty, and presenting obstacles which threatened to disturb the harmony of the Union, to embarrass its councils and obstruct its operations.

About this period, another opportunity was offered to Mr. Jefferson, of expressing again, as he had already so frequently done, his earnest desire to provide for the emancipation of the negroes, and the entire abolition of slavery in the United States. Being appointed chairman of a committee, to which was assigned the task of forming a plan for the temporary government of the Western Territory, he introduced into it the following clause: “That after the year 1800 of the Christian æra, there shall be neither slavery nor involuntary servitude in any of the said states, otherwise than in punishment of crimes, whereof the party shall have been convicted to have been personally guilty.” When the report of the committee was presented to congress, these words were however struck out.

On the seventh of May, congress resolved that a minister plenipotentiary should be appointed, in addition to Mr. Adams and Dr. Franklin, for the purpose of negotiating treaties of commerce. To this office Mr. Jefferson was immediately elected, and orders were issued to the agent of marine, to provide suitable accommodations for his passage to Europe.

In July, he sailed from the United States, and joined the other commissioners at Paris, in the following

month. Full powers were given to them, to form alliances of amity and commerce with foreign states, and on the most liberal principles. In this useful design, they were occupied for a year, but not with the success that congress had anticipated; they succeeded in their negotiations, only with the governments of Morocco and Prussia. The treaty with the latter power is so remarkable for some of the provisions it contains, that it may be looked upon as an experiment in diplomacy and national law. By it blockades of every description were abolished, the flag covered the property, and contrabands were exempted from confiscation, though they might be employed for the use of the captor, on payment of their full value. This it is said, is the only treaty ever made by America, in which the latter stipulation is introduced, nor is it known to exist in any other modern treaty.

With Great Britain also, a negotiation was attempted, but without success. The treaty of the preceding year, had dissolved for ever the bands by which the two countries were united, but the ties of consanguinity, religion, manners, and perhaps of interest, seemed to point out by nature, an alliance somewhat more intimate, than that which usually exists between independent states. To effect such an alliance, two of the commissioners, Mr. Jefferson and Mr. Adams, crossed over to London, and made every endeavour to promote between the two countries, a cordial connexion; so much so, that among the terms they proposed to offer, was a mutual exchange of naturalization to the citizens and vessels of either

country, in every thing relating to commerce or commercial navigation. The ministers were received by lord Carmathaen with respect, but, whether from some remains of hostile feeling and injured pride, or from the pressure of her domestic affairs, injured as they had been by a long and unsuccessful war, the intercourse with America, for several years after the treaty of independence, does not appear to have occupied much of the attention of Great Britain. Every attempt to procure a conference was evaded, the period for which the general commission was issued, was on the eve of expiring, and after a fruitless visit of seven weeks to London, Mr. Jefferson returned to Paris.

On the tenth of March, 1785, Mr. Jefferson was unanimously appointed by congress, to succeed Dr. Franklin as minister plenipotentiary at the court of Versailles; and on the expiration of his commission in October, 1787, he was again elected to the same honourable situation. He remained in France until October, 1789.

The eminent rank which Dr. Franklin had obtained as a philosopher, before he was appointed a commissioner to Paris, had in no small degree facilitated his introduction there, and greatly aided the success of his political mission; that a man of such acknowledged distinction in science, should have been produced by these states, gave them a character beyond that which is usually bestowed on the colonists of a remote and unknown country, and strongly contributed to bring them forward into the rank of nations. These features of Dr. Franklin's character, were eminently supported by Mr. Jefferson, and it was

certainly no common circumstance, that at a time when the spirit of political and philosophical investigation, especially so far as it applied to the state of society, had made such rapid advances, and produced so many great men, our simple country scarcely yet heard of in Europe, should furnish such practical lessons in freedom and the assertion of liberty, and two men so fitted by their talents and the congeniality of their dispositions, to mingle with the most distinguished statesmen and philosophers of the age.

During the period of Mr. Jefferson's residence in France, he was engaged in many diplomatic negotiations of considerable importance to this country, though not of sufficient general interest, to amuse a transient reader. The great questions which had so long occupied the public mind, were fitted to arrest the attention of the most thoughtless, affecting as they did, the policy of nations and the fate of empires; but the details which arise out of the interpretation of treaties, or the measures which are necessary to increase their effect, and to remedy their deficiencies, are interesting only to him who studies the minute points of political history. These only were the objects, which could claim the attention of the minister to France, at this period; they did not call forth any prominent display of his great and various talents, but they required no ordinary address, involved as they were by the skilful intrigues of such ministers as Vergennes and Calonne, and opposed for the most part by all the men of influence who thought that their interests might be compromised or endangered. Among

the principal benefits then obtained, and continued to the United States until the period of the French revolution, were the abolition of several monopolies, and the free admission into France of tobacco, rice, whale oil, salted fish, and flour; and of the two latter articles into the French West India islands.

During the period of his ministry, Mr. Jefferson took advantage of the leisure he occasionally enjoyed to make an excursion to Holland, and another to Italy. Each offered a useful lesson to a philosopher and statesman, the representative of a young and rising nation. The one displayed the successful efforts of patient industry, gradually removing the difficulties which nature had created and neglect increased. In the fair clime and fertile soil of the other, he saw that arbitrary power changes the field of plenty to a desert, and that though the Italian might look around on the stupendous ruins which proclaimed at once the power and the freedom of his ancestors, he had inherited nothing of their lofty spirit, but was rather a stranger wandering amid the relics of foreign grandeur, than the descendant of a nation whose humblest citizens were mightier than kings. It was, however, in the gaiety, the learning, the taste, elegance and hospitality of Paris, that he found the pleasures that were most congenial to his disposition. Years had passed away, loaded with public cares, since he had indulged in those pursuits, which formed so favourite an occupation for his mind; and now, placed at once in the midst of learning and elegance, admired for his genius, loved for his modesty and kindness, received with open

arms by the men whose names were most conspicuous for their talents and virtues, it will be readily believed, that he enjoyed the new scene around him with peculiar zest. The Abbé Morrellet translated his little work on Virginia, Condorcet and D'Alembert claimed him as their friend, and he was invited and welcomed among the literary institutions and circles of Paris. His letters, written during this period to his friends in America, display the versatility of his genius, and the attention he constantly bestowed on whatever was calculated to embellish or benefit society. Perhaps, indeed, of his long and not unprosperous life, he would fix on this as the period of greatest enjoyment; as a statesman and patriot he was honoured, respected and loved; of rank and fortune he had enough to supply his wants and gratify his ambition; in the prospect of the future there was little to add to his present happiness, while it was surrounded with the uncertainty which ever attends the most successful, in the career of public life.

It was during Mr. Jefferson's residence in France, that the difficulties of this country, for want of a general government, were more and more felt; they were greatly increased by the failure of treaties abroad, which might have given a system to our foreign relations, that could scarcely be expected, while the states presented a social form so feebly connected; the federal constitution therefore, had been framed from a general conviction of its necessity. But, however Mr. Jefferson had contributed to impress this necessity, and had communicated his ideas to his friends, he of course had no personal share in its

formation. That the structure of it would awaken his attention, there could be no doubt; and it appears, that his friends were early desirous of obtaining his views, with regard to it. In a late publication it is asserted, that so soon as 1787, he had expressed his sentiments of it, in a letter to Mr. Madison; that letter has not been published, but it seems that soon after, Mr. Jefferson was written to by colonel Forrest of Georgetown, requesting his opinion of the new constitution, and that he sent to him, in reply, a copy or extract of his letter to Mr. Madison. As this has every appearance of authenticity, and certainly expresses Mr. Jefferson's sentiments on this interesting subject, far better than any abridgment of them would do, no apology is necessary, for inserting it at length.

“I like much,” he says, “the general idea of framing a government which should go on of itself peaceably, without needing continual recurrence to the state legislatures. I like the organization of the government into legislative, judiciary, and executive. I like the power given the legislature to levy taxes, and, for that reason solely, I approve of the greater house being chosen by the people directly: for, though I think a house so chosen will be very far inferior to the present congress, will be very illy qualified to legislate for the Union, for foreign nations, &c. yet this evil does not weigh against the good of preserving inviolate the fundamental principle, that the people are not to be taxed but by representatives chosen immediately by themselves. I am captivated by the compromise of the opposite claims of the great and little states,

of the latter to equal, and the former to proportional influence. I am much pleased, too, with the substitution of the method of voting by persons instead of that of voting by states; and I like the negative given to the executive conjointly with a third of either house, though I should have liked it better had the judiciary been associated for that purpose, or invested separately with a similar power. There are other good things of less moment. I will now tell you what I do not like. First, the omission of a bill of rights, providing clearly, and without the aid of sophisms, for freedom of religion, freedom of the press, protection against standing armies, restriction of monopolies, the eternal and unremitting force of the habeas corpus laws, and trials by jury in matters of fact triable by the laws of the land, and not by the law of nations. To say, as Mr. Wilson does, that a bill of rights was not necessary, because all is reserved in the case of the general government which is not given, while in the particular ones, all is given which is not reserved, might do for the audience to which it was addressed, but it is surely a gratis dictum, the reverse of which might just as well be said; and it is opposed by strong inferences from the body of the instrument, as well as from the omission of the clause of our present confederation, which had made the reservation in express terms. It was hard to conclude, because there has been a want of uniformity among the states as to the cases triable by jury, because some have been so incautious as to dispense with this mode of trial in certain cases; therefore, the more prudent states shall be reduced to the same

level of calamity. It would have been much more just and wise to have concluded the other way, that, as most of the states had preserved with jealousy this sacred palladium of liberty, those who had wandered should be brought back to it; and to have established general right rather than general wrong. For I consider all the ill as established, which may be established. I have a right to nothing which another has a right to take away; and congress will have a right to take away trials by jury in all civil cases. Let me add, that a bill of rights is what the people are entitled to against every government on earth, general or particular; and what no just government should refuse, or rest on inferences.

The second feature I dislike, and strongly dislike, is the abandonment, in every instance, of the principle of rotation in office, and most particularly in the case of the president. Reason and experience tell us that the first magistrate will always be reelected, if he may be reelected. He is then an officer for life. This once observed, it becomes of so much consequence to certain nations to have a friend or a foe at the head of our affairs, that they will interfere, with money and with arms. A Galloman or an Angloman will be supported by the nation he befriends. If once elected, and at a second or third election outvoted by one or two votes, he will pretend false votes, foul play, hold possession of the reins of government, be supported by the states voting for him, especially if they be the central ones, lying in a compact body themselves, and separating their opponents; and they will be aided by one nation in Europe,

while the majority are aided by another. The election of a president of America, some years hence, will be much more interesting to certain nations of Europe, than even the election of a king of Poland was.

Reflect on all the instances in history, ancient and modern, of elective monarchies, and say if they do not give foundation for my fears—the Roman emperors, the popes, while they were of any importance, the German emperors, till they became hereditary in practice, the kings of Poland, the deys of the Ottoman dependencies. It may be said that if elections are to be attended with these disorders, the seldomer they are repeated the better. But experience says, that, to free them from disorder, they must be rendered less interesting by a necessity of change. No foreign power, nor domestic party, will waste their blood and money to elect a person who must go out at the end of a short period. The power of removing every fourth year by the vote of the people, is a power which they will not exercise; and if they were disposed to exercise it, they would not be permitted. The king of Poland is removable every day by the diet, but they never remove him, nor would Russia, the emperor, &c. permit them to do it. Smaller objections are the appeal on matters of fact as well as law; and the binding all persons, legislative, executive, and judiciary, by oath to maintain that constitution. I do not pretend to decide what would be the best method of procuring the establishment of the manifold good things in this constitution, and of getting rid of the bad; whether by adopting it in hopes of future amendment; or, after it

shall have been duly weighed and canvassed by the people, after seeing the parts they generally dislike, and those they generally approve, to say to them, 'we see now what you wish; you are willing to give to your federal government such and such powers; but you wish, at the same time, to have such and such fundamental rights secured to you, and certain sources of convulsion taken away; be it so; send together your deputies again, let them establish your fundamental rights by a sacrosanct declaration, and let them pass the parts of the constitution you have approved. These will give powers to your federal government sufficient for your happiness.' This is what might be said, and would probably produce a speedy, more perfect, and more permanent form of government. At all events, I hope you will not be discouraged from making other trials, if the present one should fail; we are never permitted to despair of the commonwealth.

I have thus told you freely what I like and what I dislike, merely as matter of curiosity: for I know it is not in my power to offer matter of information to your judgment, which has been formed after hearing and weighing every thing which the wisdom of man could offer on these subjects. I own I am not a friend to a very energetic government; it is always oppressive; it places the governors indeed more at their ease, but at the expense of the people. The late rebellion in Massachusetts has given more alarm than I think it should have done. Calculate that one rebellion in thirteen states, in the course of eleven years, is but one for each state in a century

and a half. No country should be so long without one, nor will any degree of power in the hands of government prevent insurrections. In England, where the hand of power is heavier than with us, there are seldom half a dozen years without an insurrection. In France, where it is still heavier, but less despotic, as Montesquieu supposes, than in some other countries, and where there are always two or three hundred thousand men ready to crush insurrections, there have been three in the course of the three years I have been here, in every one of which, greater numbers were engaged than in Massachusetts, and a great deal more blood was spilt. In Turkey, where the sole nod of the despot is death, insurrections are the events of every day. Compare again the ferocious depredations of their insurgents with the order, the moderation, and the almost self-extinguishment of ours, and say, finally, whether peace is best preserved by giving energy to the government, or information to the people. This last is the most certain and the most legitimate engine of government. Educate and inform the whole mass of the people, enable them to see that it is their interest to preserve peace and order, and they will preserve it; and it requires no very high degree of education to convince them of this; they are the only sure reliance for the preservation of our liberty. After all, it is my principle that the will of the majority should prevail. If they approve the proposed constitution in all its parts, I shall concur in it cheerfully, in hopes they will amend it, whenever they shall find it works wrong. This reliance cannot deceive us, as long

as we remain virtuous; and I think we shall be so, as long as agriculture is our principal object, which will be the case while there remain vacant lands in any part of America. When we get piled upon one another in large cities, as in Europe, we shall become corrupt as in Europe, and go to eating one another as they do there. I have tired you by this time with disquisitions which you have already heard repeated by others a thousand and a thousand times, and therefore shall only add assurance of the esteem and attachment, with which I have the honour to be, dear Sir," &c:

In the month of October, 1789, Mr. Jefferson obtained leave of absence, for a short time, and returned to the United States. While he was abroad, the federal constitution, the formation of which we have mentioned, and relative to which we have given his views, had been regularly ratified by the requisite number of states, general Washington had been raised unanimously to the presidential chair, and the new government had been successfully organized. In filling the executive offices, the president had with that wisdom which marked all the acts of his public life, carefully selected those whose talents or previous employments, rendered them peculiarly fit for the duties of the stations, to which they were appointed. After his arrival from France, and while on his way to Virginia, Mr. Jefferson received a letter from the president, offering him the option of becoming secretary of state, or returning to France, as minister plenipotentiary to that court. His feelings and his habits, alike urged him to the latter, but he could

not and did not refuse to acquiesce, in the very strong desire expressed by the president, that he would afford the aid of his talents to the administration at home.

Of all the offices under the government of the United States, there is no one which calls for the exercise of such various abilities, such extensive knowledge of laws and facts, such prompt decision on questions involving principles of the highest political import, as the department of state; and in proportion to the infancy of the office itself, and the new and peculiar situation of the government, was the difficulty of the task assumed by Mr. Jefferson. The subsequent events of his political life, have been tinged by the hue of party, and perhaps the time has not arrived when we can view them with strict impartiality, and weigh the policy of his measures without dwelling too much on circumstances merely temporary or local. But all unite in the candid acknowledgment, that the duties of this station were performed with a prudence, intelligence, and zeal honourable to himself, and useful to his country. In the intercourse with foreign nations, the laws of a strict neutrality, at a period of peculiar difficulty, were maintained with unyielding firmness and consummate ability; the dignity of the nation was remembered and supported; and the interests of the citizens was cherished and protected. At home he turned his attention to objects of a minuter character, but of equal importance; he laid before congress from time to time reports on various branches of domestic policy, which displayed at once the extent and variety of his genius, the depth of his information, and

the zeal with which he applied them both to the peculiar duties of his situation. It has been observed, that these papers evince not only the feelings of a patriot and the judgment of an accomplished statesman, but display, at the same time, uncommon talents and knowledge as a mathematician and natural philosopher, the deepest research as an historian, and even an enlarged and intimate acquaintance with the business and concerns of a merchant.

Mr. Jefferson had scarcely entered upon the duties of his office, when congress referred to him a subject whose nature and importance called for the exercise of a mature judgment, while its intricacy was such, as to require in the investigation, more than ordinary scientific knowledge. They directed him to prepare and report a plan, for establishing a uniform system of currency, weights and measures. This was a subject which, it was admitted on all hands, demanded very serious attention. It had already attracted the notice of the most enlightened European nations; and a partial experiment in one branch, that of the public currency, had been received throughout the United States, with general approbation and unexpected success. The established system of weights and measures was alike inconvenient and absurd. In the ages of feudal ignorance, when the sallies of passion, the dictates of unrestrained ambition, or the gratification of each changing caprice, were all that a monarch asked as the foundation of his laws, it was at least not inconsistent, that the length of his arm or foot should regulate the measures of the nation. But

the necessities of modern commercial intercourse, seem to demand a scale more certain and convenient; while the improvements of modern science, offered standards of unerring correctness and uniformity. The first object that presents itself in such an inquiry, is the discovery of some measure of invariable length. For this purpose, Mr. Jefferson proposed to select a pendulum vibrating seconds; and after answering the various objections which may be made to such a standard, he submits to congress two alternative plans for its adoption. By the first, he proposes, that if, in the opinion of congress, the difficulty of changing the established habits of the nation, renders it expedient to retain the present weights and measures, yet that they should be rendered uniform and invariable, by bringing them to the same invariable standard. With this view, he enters minutely into the details of the established system, its history, the remarkable coincidence to be discovered in some of its varieties, its useless inconsistencies, and the extreme ease, and trifling variation, with which it may be rendered uniform and stable. But, in the second place, he proceeds to say, "if it be thought, that either now or at any future time, the citizens of the United States may be induced to undertake a thorough reformation of their whole system of measures, weights and coins, reducing every branch to the same decimal ratio already established in their coins, and thus bringing the calculation of the principal affairs of life within the arithmetic of every man who can multiply and divide plain numbers, greater changes will be necessary."

These changes he points out briefly and distinctly ; as being such as are easy of introduction, and useful both to the citizens of our own and foreign countries. "A gradual introduction," he concludes, "would lessen the inconveniences which might attend too sudden a substitution, even of an easier, for a more difficult system. After a given term, for instance, it might begin in the custom-houses, where the merchants would become familiarised to it. After a further term, it might be introduced into all legal proceedings ; and merchants and traders in foreign commodities might be required to use it in their dealings with one another. After a still further term all other descriptions of people might receive it into common use. Too long a postponement, on the other hand, would increase the difficulties of its reception with the increase of our population."

This valuable document is still before the country. A cautious deliberation, a natural attachment to long established usage, a prudent deference to existing prejudices, perhaps the acknowledged difficulties in every system, have hitherto prevented any change in the existing laws ; but the subject has demanded and received, during half a century, the anxious attention of distinguished philosophers and enlightened statesmen, in this country and in France, England and Spain : and we may justly indulge the hope, that a long period will not elapse before their efforts shall have produced a grand and useful system.

On the eighteenth of January, 1791, Mr. Jefferson made a report, as secretary of state, on the subject of

tonnage duties payable by France. Very soon after the meeting of the first congress, the same subject had been discussed in that body, with considerable animation, and an act had passed the house of representatives, embracing a discrimination in these duties, highly favourable to France. The principle thus adopted, coincided with the general sentiments of the nation, and appeared to be called for, not by this circumstance only, but by the strongest dictates of national gratitude, as well as those of sound policy. The discrimination, however, was rejected by the senate, and the house of representatives were obliged reluctantly to yield. What it was thus deemed inexpedient to grant, even as a matter of favour or policy, the French government demanded as a right, under the treaty of amity and commerce of 1778. The demand was referred to Mr. Jefferson, by the president, and elicited from him the able report to which we have alluded. In this he clearly proved, that the article of the treaty on which the French government founded their claim, was evidently meant to extend no farther than to the exemption of the United States from a duty, from which other favoured nations were also exempted, and that in return France could claim of our government, no greater advantages than favoured nations also received from us. That if the article in question had a more extended relation, it applied reciprocally to each government, and would lead to the mutual abolition of duties, highly useful to both, and to consequences in which it was hardly conceivable, that either party could see its interest. But he appears to incline to the opi-

tion, that if France persisted in claiming this exemption, there were extrinsic causes which might justify and even render advisable some relaxation in her favour; not on the grounds on which it was demanded, but from the effect it would have on the finances, revenue and commerce of our own country. This report, the president immediately submitted to the senate of the United States.

But the foreign relations of the country, were not the only subject, on which the opinions of congress were divided, during the session of 1791. The secretary of the treasury, in introducing his celebrated system of finance, had recommended the establishment of a national bank, as necessary to its easy and prosperous administration. A bill conforming to the plan he suggested was sent down from the senate, and was permitted to proceed unmolested, in the house of representatives, to the third reading. On the final question, however, a great, and it would seem an unexpected opposition was made to its passage; and after a debate of considerable length, which was supported on both sides with ability, and with that ardour which was naturally excited by the importance attached by each party to the principle in contest, the question was put, and the bill carried in the affirmative by a majority of nineteen voices.

The point which had been agitated with so much zeal in the house of representatives, was examined not less deliberately by the executive. The advice of each minister, with his reasoning in support of it, was required in writing, and their arguments were considered by the

president with all that attention which the magnitude of the question, and the interest taken in it by the opposing parties, so eminently required.

The opinion of Mr. Jefferson, and it agreed with that of the attorney general, was decided. He believed that congress, in the passage of the bill, had clearly transcended the powers granted them by the constitution. That as a body, with limited authority, they were strictly confined to the exercise of those powers which were granted to them, and that to their exercise, an establishment of such vast power and influence, was neither incidental nor necessary. That even if a free interpretation of the constitution, seemed to authorize that which was no where expressly allowed, it was still better for those who were exercising merely a delegated power, to confine themselves within limits which were well known, and where their power was universally acknowledged, than to assume as a right, what was at least considered as doubtful, by a large and intelligent portion of their constituents.

The views of the secretary of the treasury were equally decided, and in favour of the establishment. The president after receiving their opinions, weighing their reasons and examining the subject, deliberately made up his mind in favour of the constitutionality of the law, and gave it the sanction of his name. This circumstance, together with the renewal of the charter of the bank, at a subsequent period, may perhaps be considered sufficient, to settle the legality, as well as the policy, of the

measure; yet none will regret that it was adopted with so much hesitation, and that it led to so serious a discussion of the fundamental principles of our government. It was a matter of high importance, at that early period, when experience had afforded no lessons, when the remote effects, and bearings of any act were unknown, and when the people were naturally and properly jealous, of the slightest infringement of the rights they had reserved, that nothing which could be construed, even by the ignorant, into the unwarranted assumption of power, should be done without the utmost calmness, inquiry and deliberation.

On the first of February, 1791, Mr. Jefferson presented to the house of representatives, an elaborate and valuable report, on the subject of the cod and whale fisheries. Before the revolution a large number of seamen, and a great amount of tonnage, were successfully employed in this trade; but during the war it had been almost annihilated, and now required the immediate and efficient aid of the government to restore it. It was too valuable to be neglected. To a maritime nation, its preservation was of vital and acknowledged importance. It afforded employment and subsistence to the inhabitants of a sandy and rocky district, who had no resource in agriculture; by augmenting the quantity of food, it reduced the prices of all the necessaries of life; and thus improved the condition of the labouring classes, especially on the sea coast; it was the means of rearing and supporting a hardy race of men, useful alike in extending and defending the commerce of the country; and it was a suræ

nursery of excellent seamen, for the public vessels of the nation, and for the rapidly increasing trade between the United States and the European powers—an object of immense importance, when the scarcity of labour, and the readiness with which employment could be found, in less arduous pursuits, were taken into view. Impressed with these considerations, congress very early determined to give the subject that investigation, which its importance demanded. The report of Mr. Jefferson was accordingly made. In it he enters with sufficient minuteness, into an historical view of the rise and progress of the trade, both among ourselves and foreign nations; he points out distinctly the facilities afforded by our situation, the cheapness and excellence of our vessels, and the superiority of our mariners; the disadvantages under which we labour, from the prohibitory policy of other nations, and the means they have used, directly and indirectly, to destroy our trade; and concludes with recommending to congress, the adoption of such measures as he conceives sufficient to restore the confidence and energy of those engaged in it, to defeat the efforts of foreign governments, and to open new markets for our enterprise. The utility of these measures was acknowledged, and the adoption of this policy has secured to us a branch of trade and domestic enterprise, which cannot be too highly appreciated.

Towards the close of this year, 1791, Mr. Jefferson became involved in a discussion with Mr. Hammond, the British minister, of considerable length and some importance. It arose, in the first instance, out of the provi-

sions in the original treaty of peace, between the United States and Great Britain. Soon after the termination of the war, each party had charged the other with a violation of its engagements. The charge could not be entirely controverted by either. At length, however, the opening of a diplomatic intercourse, by the reception of Mr. Hammond and the appointment of Mr. Pinckney, seemed to afford a proper opportunity for bringing these differences to a close, and for fixing the principles, which might serve as the basis of a definitive commercial arrangement, between the two countries. Accordingly, soon after the arrival of the British minister, Mr. Jefferson called his attention to the seventh article of the treaty, which contained stipulations against carrying away negroes or destroying any American property, and secured the removal or evacuation by the British forces of all posts within the limits of the United States. To this letter Mr. Hammond promptly replied, that his government had only been induced to suspend the execution of that article, by the non-compliance of the United States with the engagements they had made, in the same treaty, to secure the payment of debts justly due to British creditors, and to stop all confiscations and prosecutions against British subjects. This was followed on both sides, by an exposition of the various circumstances relied on to support the grounds that had been respectively assumed; and while on one hand, the refusal to evacuate the military stations was acknowledged, it cannot on the other be denied, that the terms of the treaty did not appear, in several important instances, to

have been strictly complied with. To account for this, Mr. Jefferson, on the twenty-second of May, addressed to Mr. Hammond a long and circumstantial letter. Placing out of view, all the acts which had occurred during the war, as recollections equally unprofitable and unconciliatory, and, to use his own language, dropping for ever the curtain on that tragedy, he proceeds to show, and with no little success, that the acts complained of by the British government, were no infraction of the treaty; that on the subject of exile and confiscation, congress only could and did stipulate, to recommend it to the individual states, and that the stipulation was so understood, by both parties to the treaty—it was not indeed denied that the recommendation had been earnestly and faithfully made; that the British infractions had preceded, and thereby produced, the acts complained of, as obstacles to the recovery of the debts, thus justifying, on our part, a resort to retaliatory measures; but that even those acts, being the proceedings of individual states, were controlled by the treaty, and that anxious, not even to leave the shadow of doubt, they had already been repealed, in every state of the Union but one. That the claim set up by the British creditors for interest during the war, was not given by the treaty, was not generally allowed in other countries, and was fairly a subject that should be left to the decision of the legal tribunals, without imputing to them palpable wrong, or making it a pretence for not executing the treaty. “These things,” concludes Mr. Jefferson, “being evident, I cannot but flatter myself, after the assurances

received from you of his Britannic majesty's desire to remove every occasion of misunderstanding from between us, that an end will now be put to the disquieting situation of the two countries, by as complete execution of the treaty as circumstances render practicable at this late day: that it is to be done so late, has been the source of heavy losses of blood and treasure, to the United States. Still our desire of friendly accommodation is, and has been constant. These difficulties being removed from between the two nations, I am persuaded the interests of both will be found in the strictest friendship. The considerations which lead to it, are too numerous and forcible to fail of their effect; and that they may be permitted to have their full effect, no one wishes more sincerely than myself." To this letter no reply was ever received; and although the subject was from time to time renewed, it seems to have been attended with no other result, than confirming each party in its original impressions. The whole controversy was finally merged, in the more important differences which afterwards arose between the two countries, and was incorporated at length in the definitive negotiations, which terminated in the treaty of 1794.

Nor was Great Britain the only country, with which the United States were, about this time, involved in a controversy of much delicacy and importance. As early as the revolutionary war, the Spanish government appear to have contemplated, with considerable apprehension, the probable future strength of the new republic, and to have strongly desired to restrain it, within the most

confined limits, towards the south and west. After the conclusion of the war, attempts to form a treaty had been repeatedly made, but without any advance towards an agreement, on the point of difference, between the two countries. These points were chiefly, the settlement of our boundaries, the exclusion of our citizens from navigating the Mississippi below our southern limits, the interference with the neighbouring Indian tribes, the restitution of property carried away, and fugitives from justice escaping within the territories of each other, and the arrangement of the general principles of a commercial treaty. About the close of the year 1791, however, Mr. Jefferson reported to the president, that the Spanish government, apprised of our solicitude to have some arrangement made, respecting our free navigation of the Mississippi, were ready to enter into a treaty thereon at Madrid. This, it was true, referred merely to one of the subjects then unsettled, but it was a matter of too great importance to be neglected; and accordingly commissioners were appointed, without delay, to proceed to Madrid, and their powers were extended to include the other arrangements, which it was desired should be made between the two countries. In the spring of 1792, Mr. Jefferson drew up his observations on the several subjects of negotiation, to be communicated by way of instruction to the two commissioners. As the negotiation itself, was one of the most difficult, intricate and vexatious in which the government has ever been engaged, so are these documents among the most important and valuable, that have arisen out of our relations

with foreign powers. In the first place, the absurdity of a claim set up by Spain to possessions within the state of Georgia, founded on her having rescued them by force from the British during the war, is clearly established; and it is shown, that the boundary between the possessions of the two countries, must rest as it had been fixed by former treaties. The next and most important subject, the navigation of the Mississippi, is treated more in detail. Our right to use that river, from its source to where our southern boundary touched it, was not denied; it was only from that point downward, that the exclusive navigation was claimed by Spain. Our right to participate in it however, Mr. Jefferson contended, was established at once by former treaties, and by the law of nature and nations. By the treaty of 1763, the right of navigating the river in its whole length and breadth, from its source to sea, was expressly secured to all, at that time, the subjects of Great Britain. By the treaty of 1782, this common right was confirmed to the United States, by the only power who could pretend to claim against them, founded on the state of war. By the law of nature and nations, he remarks, if we appeal to it as we feel it written on the heart of man, what sentiment is written in deeper characters than that the ocean is free to all men, and their rivers to all their inhabitants? Is there a man, savage or civilized, unbiassed by habit, who does not feel and attest this truth? Accordingly, in all tracts of country united under the same political society, we find this natural right universally acknowledged and protected, by laying the naviga-

ble rivers open to all their inhabitants. When their rivers enter the limits of another society, if the right of the upper inhabitants to descend the stream is in any case obstructed, it is an act of force by a stronger society against a weaker, condemned by the judgment of mankind. If we appeal to the law of nature and nations, as expressed by writers on the subject, it is agreed by them, that were the river, where it passes between Florida and Louisiana the exclusive right of Spain, still an innocent passage along it is a natural right in those inhabiting its borders above. It would indeed be what those writers call an imperfect right, because the modification of its exercise depends, in a considerable degree, on the conveniency of the nation through which they are to pass. But it is still a right as real as any other right, however well defined; and were it to be refused, or to be so shackled by regulations not necessary for the peace or safety of its inhabitants, as to render its use impracticable to us, it would then be an injury, of which we should be entitled to demand redress. This right of navigation therefore, as well as that of mooring vessels to its shores, of landing on them in case of distress, or for other necessary purposes is established and supported, at considerable length, and with great learning and intelligence.

As the basis of a commercial treaty, Mr. Jefferson proposed to exchange, between the two countries, the rights of native citizens, or the privileges mutually granted to the most favoured nations. With respect to fugitives, he stated it as his opinion, that by the law of nature, no nation

has a right to punish a person who has not offended itself; but that murder was a crime so atrocious and imminently dangerous to society, as to justify a denial of habitation, arrest and delivery—carefully restraining it however, to homicide of malice prepense, and not of the nature of treason. Treason, he observed, when real, merits the highest punishment. But most codes extend their definitions of treason to acts not really against one's country. They do not distinguish between acts against the government, and acts against the oppressions of the government. The latter are virtues, yet have furnished more victims to the executioner than the former: because real treasons are rare, oppressions frequent. The unsuccessful strugglers against tyranny, have been the chief martyrs of treason laws in all countries. Reformation of government with our neighbours, is as much wanting now, as reformation of religion is or ever was any where. We should not wish therefore, to give up to the executioner the patriot who fails and flees to us; and treasons, on the whole, taking the simulated with the real, are sufficiently punished by exile. Crimes against property, and flight from debts, are not of such a nature, as to authorize the delivery of the offender: they may be punished in the tribunals of the nation, where he is found; and these tribunals, it ought to be stipulated, shall be open to the claimant from a neighbouring nation, in like manner as they are open to their own citizens. On the remaining subject of controversy, the interference with the neighbouring Indians, such had been the perverse conduct of the Spanish government, that it became necessary to address them directly,

in the most decided terms. "We love and we value peace," observes Mr. Jefferson; "we know its blessings from experience; unmeddling with the affairs of other nations, we had hoped that our distance and our dispositions would have left us free, in the example and indulgence of peace, with all the world. We had with sincere and particular dispositions, courted and cultivated the friendship of Spain. Cherishing the same sentiments, we have chosen to ascribe the unfriendly insinuations of the Spanish commissioners, in their intercourse with the government of the United States, to the peculiar character of the writers and to remove the cause from them to their sovereign, in whose justice and love of peace we have confidence. If we are disappointed in this appeal, if we are to be forced into a contrary order of things, our mind is made up; we shall meet it with firmness. The necessity of our position will supersede all appeal to calculation now, as it has done heretofore. We confide in our own strength, without boasting of it: we respect that of others without fearing it. If Spain chooses to consider our self defence against savage butchery as a cause of war to her, we must meet her also in war, with regret, but without fear; and we shall be happier to the last moment to repair with her to the tribunal of peace and reason."

The importance of these various objects of negotiation, will not be denied; it appears to have been equally the interest of each nation, that they should at least be placed on some definite footing. The Spanish government, however, beheld with dread any measure which

would extend the limits of the United States, or confirm to them privileges on the frontier, to which their claim was even doubtful. All the efforts of Mr. Jefferson were in vain; the negotiation was protracted by artificial delays, and it was not until some years after, when embarrassed by an unsuccessful war, and perhaps conscious of her own increasing weakness, and the rising power of the republic, that Spain reluctantly consented to accede to a few of the propositions, which had been so often and so zealously urged by the United States. It finally remained however, for the distinguished statesman who now presides over the republic, to complete, in our own day, with honour and success, the task which had been commenced so long before, by his illustrious predecessor.

In the spring of the year 1793, a negotiation was begun, arising out of circumstances, more directly affecting the present and future situation, and involving the political rights of the United States, than any that had occurred since the formation of the constitution. It was the question of her neutral policy and rights. Early in April, the declaration of war made by France against Great Britain and Holland, reached America. Scarcely was this event known before indications were given in some of the sea ports, of a disposition to engage in the unlawful business of privateering on the commerce of the belligerent powers. The subject was too interesting and important, to be treated either with precipitation or neglect; and, on the nineteenth of April, the heads of department and the attorney general met at the presi-

dent's house, to consult with him on the measures which the occasion demanded. Every feeling of sympathy, generosity and gratitude, was enlisted in the cause of France; she was boldly struggling against the leagued nations of Europe, for the preservation of her natural and domestic rights, from foreign aggression; she was endeavouring to obtain, for her own oppressed people, those liberties, laws and institutions which she had generously aided us in maintaining; and if, in the excess of popular frenzy, or under the instigation of ambitious and unprincipled leaders, the bounds of propriety, or of moral right were sometimes passed, it was to be attributed to long ages of ignorance and oppression, to the unrestrained exultation of a new and almost unexpected freedom, not held up as the justification of foreign invasion, or the excuse for illiberal conduct and violated treaties. Such feelings were alike honourable and correct; they were the general and spontaneous feelings of the American people. Yet it was the anxious desire of the administration, that even while this feeling was indulged, nothing should be done to destroy that relation to foreign powers, which was deemed most beneficial to our interests and happiness; that policy which has since been so emphatically confirmed, of preserving peace, commerce and friendship with all nations, and forming entangling alliances with none. The president, therefore, submitted to his council a proclamation, forbidding the citizens of the United States to take part in any hostilities on the seas with, or against, any of the belligerent powers; warning them against carrying to

any of those powers, articles deemed contraband according to the modern usages of nations, and enjoining them from all acts inconsistent with the duties of a friendly nation towards those at war. The adoption of this proclamation was unanimously advised, and it was accordingly issued on the twenty-second of April.

The next point submitted by the president, was the propriety of receiving a minister from the French republic; this he was advised to do with equal unanimity. But it was at the same time suggested, by some members of the administration, that from the turbulence and fury which had marked the late proceedings in France, from their doubts whether the present possessors had not obtained it by unjustifiable violence, and from the danger they apprehended to the United States, from too close a connexion with the new republic, it was expedient while we gave its minister an unqualified reception, candidly to apprise him, that we should reserve for future discussion, the question, whether the operation of our treaties, ought not to be deemed temporarily or provisionally suspended. This extraordinary doctrine, not less needless than illiberal, was decidedly opposed by Mr. Jefferson, who at once expressed his opinion, that no cause existed for departing in the present instance from the usual mode of acting on such occasions. The revolution in France, he conceived, had produced no change in the relations between the two nations. The obligations created by pre-existing treaties remained the same; and there was nothing in the alteration of government, or in the character of the war, which could

impair the right of France to demand, or weaken the duty of the United States faithfully to comply with the engagements which had been solemnly formed. In this opinion the president concurred; and determined to receive the minister of the republic, without qualifying that act by any explanations.

The principles thus established, were called into immediate operation. The citizen Genet, a gentleman of considerable talents, but of a temper naturally ardent, and particularly excited by the passions and politics of the day, arrived just at this time at Charleston, as minister from France. He was welcomed by the people with unbounded, and not unnatural enthusiasm, as the first representative of a new republic, and the ambassador of an old and generous ally. From the publications of that period, his progress through the country seems rather to have been a triumphal procession, than the journey of an unknown stranger, and in the failure of his subsequent measures, he could look only to their impropriety and his own intemperance or imprudence. Either distrusting the concurrence of the American government, or too ardent to wait for it, in a few days after his landing in Charleston, he undertook to authorize the fitting and arming of vessels in that port, enlisting men, and giving commissions to cruise and commit hostilities on nations, with which the United States were at peace. These proceedings of course produced immediate complaints, and before the arrival of the ambassador at the seat of government, before he was accredited as a minister, a long catalogue of grievances committed by him,

had been made to the president. Mr. Jefferson immediately addressed a letter to Mr. Ternan, the French minister, residing at Philadelphia. In it he candidly stated the determination of the government, and expressed his surprise at the assumption of jurisdiction by an officer of a foreign power, in cases which had not been permitted by the nation, within whose limits it had been exercised.

Mr. Genet arrived in Philadelphia on the following day, and from that period a correspondence commenced, which was continued without interruption as long as Mr. Jefferson occupied the department of state. The letters of Mr. Jefferson, take up in succession, the different assertions which were made and views which were entertained by the French minister, answering and refuting them, always with success, and frequently with singular happiness and ingenuity. The language and conduct he had used in his intercourse with the American government, and the unwarrantable expressions in which he had indulged, when speaking of the illustrious man at its head, were treated with the indignation and contempt which they deserved. The spirit of friendship for the nation was carefully preserved, while the unauthorized aggressions of its agent were resisted, and his insinuations repelled and denied. This correspondence, indeed, forms one of the most important features in the history of the United States, as it is the foundation of a policy, which it has been the invariable aim of the government, since that period, to follow; and it contains nearly all the important princi-

ples, in the conduct of a neutral nation, which have since been more fully developed and supported.

Mr. Jefferson's participation in the government was now drawing to a close. As his last important official act, in pursuance of a resolution passed some time before, he presented to congress, on the sixteenth of December, 1793, a report on the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with foreign nations, and the measures which he should think proper to be adopted for the improvement of their commerce and navigation.

In this report, which has been ever considered as one of great importance, he enumerates in the first place, the articles of export, with their value to the several nations with whom we have carried on a commercial intercourse. He then proceeds to point out minutely, the various restrictions which they have placed on that intercourse, and calls the attention of congress to the best modes of removing, modifying or counteracting them. These he states to be twofold: first, by friendly arrangements with the several nations with whom these restrictions exist: or, secondly, by separate legislative acts for countervailing their effects.

He gave a decided preference to friendly arrangements. Instead of embarrassing commerce under piles of regulating laws, duties and prohibitions, he thought it was desirable that it should be relieved from all its shackles in all parts of the world. If even a single nation would unite with the United States in this system of free commerce, it would be advisable to begin it with that na-

tion. But should any nation, contrary to the wishes of America, suppose it might better find its advantages by continuing its system of prohibitions, duties, and regulations, it would behove the United States to protect their citizens, their commerce, and navigation, by counter prohibitions, duties and regulations, also. These views are then pursued at considerable length, the protection of our navigation strenuously recommended, the principles of national reciprocity pointed out and enforced, and the necessity, or at least the propriety advocated, should these principles be neglected, of establishing regulations and prohibitions coextensive with those experienced by the United States, but finally indulging the hope that friendly arrangements may be made, equally beneficial to all commercial nations.

This report gave rise to one of the longest and most interesting discussions, which has ever agitated the national legislature; it was the foundation of a series of resolutions, proposed by Mr. Madison, sanctioning the views which it embraced; these resolutions became the subject of ardent debate; in their consideration many extrinsic questions of general politics were introduced; and the past and future policy of the country, the course to be adopted amid the conflicts of Europe, the aggressions on our commerce, the means and the necessity of retaliation, were all warmly discussed. It was ascertained that there was a decided majority in favour of their passage, but from reasons which were not fully explained, an immediate determination upon them was not pressed; and

they seem afterwards to have been lost sight of, or given up, in the changes of policy which succeeding events required.

On the thirty-first of December, 1793, Mr. Jefferson resigned the office of secretary of state, and retired once more to private life. The sketch we have given of the duties he performed while he held it will show with what advantage to his country he had assisted in the administration of its government; the firmness and dignity with which he had supported its rights, and vindicated its character towards foreign nations; and his zeal and industry in supporting its domestic interests. But the times had now become full of danger and uncertainty; at home the government, new alike in its principles and conduct, was assailed by unexpected and extraordinary difficulties, before its own organization was perfected or it had received the benefit of experience; and abroad an eventful struggle had arisen, which was overthrowing the strong holds of religious and political error, but unhappily carrying with them much that humanity lamented, and wisdom would have saved. At such a time a wide scope for opinion was opened, in which the best and wisest might essentially differ, and Mr. Jefferson found himself a member of an administration, where views different from his own appeared to predominate, while those which he entertained seemed to be approved of by a large proportion of his countrymen. In the diversity of sentiment which thus occurred, he viewed with dread every measure that he thought calculated to lessen the influence of the people at home; he looked,

too with exultation on the rising liberties of a nation, which had so recently assisted our struggles for freedom and was now so deeply engaged in maintaining its own; and with avowed distrust on too close an alliance with a country, from which we had so lately separated ourselves. These feelings were perhaps to a considerable extent those of the people of the United States generally, but in the mode of acting upon them, there existed a great difference of sentiment among the political leaders.

At the present day, when the heat of prejudice and party has subsided, no one will attribute to those who thus differed from Mr. Jefferson views which were inimical to the interests or prosperity of their country; but without so doing, it may be asserted that there were so many points of foreign and domestic policy, in which the opinion of his colleagues varied from his own, that retirement was the only course left for a statesman, who felt the value of his own principles and wished to act with firmness and generosity. He carried with him into his seclusion, not only the kind feelings of the great man who had selected him for the post he had filled, but the warm attachment of a large proportion of his fellow citizens.

From this period, Mr. Jefferson devoted himself to the education of his family, the cultivation of his estate, and the pursuit of his philosophical studies, which he had so long abandoned, but to which he now returned, with new ardour. Amid such employments there is little to attract the attention of a casual reader, and little which a biographer can find to notice; yet perhaps it

will not be considered superfluous, to introduce the remarks which were made by a well known French traveller, who visited him at Monticello, during this period. "His conversation," says the Duke de Liancourt "is of the most agreeable kind, and he possesses a stock of information not inferior to that of any other man. In Europe, he would hold a distinguished rank among men of letters, and as such he has already appeared there. At present he is employed with activity and perseverance in the management of his farms and buildings, and he orders, directs and pursues, in the minutest detail, every branch of business relating to them. The author of this sketch found him in the midst of harvest, from which the scorching heat of the sun does not prevent his attendance. His negroes are nourished, clothed, and treated as well as white servants could be. As he cannot expect any assistance from the two small neighbouring towns, every article is made on his farm: his negroes are cabinet makers, carpenters, masons, bricklayers, &c. The children he employs in a nail manufactory, which yields already a considerable profit. The young and old negresses spin for the clothing of the rest. He animates them by rewards and distinctions; in fine, his superior mind directs the management of his domestic concerns with the same abilities, activity and regularity, which he evinced in the conduct of public affairs, and which he is calculated to display in every situation of life."

The only incident relative to him, during this period, which we find recorded in the public documents of

the day, was his unanimous election, as president of the American Philosophical Society, the oldest and most distinguished institution of the kind in the United States. The chair had first been filled by the illustrious Franklin, the great and good patron of every thing, which tended to promote the learning, science or happiness of his country; and by Rittenhouse, the most distinguished astronomer of the age. To be selected to succeed such men, on the very theatre of their reputation, and on principles which could not be influenced by the political feelings of the times, was an honour that no one could, or did, better appreciate than Mr. Jefferson. He was no inactive member; during the long period that he presided over the society, he promoted its views with the utmost zeal, occasionally contributed to its publications, and extended to it all the advantages which his public rank and private connexions, enabled him to afford.

The situation of the country did not, however, permit Mr. Jefferson long to enjoy the pleasures of a private life. General Washington had for some time contemplated a retirement from office, and in his farewell address to the people of the United States, he had, in the month of September 1796, declined being considered any longer a candidate for it. The person in whom alone the voice of the whole nation could be united, having thus withdrawn, the two great parties respectively brought forward their chiefs. Mr. Jefferson was supported by the one, Mr. Adams by the other. In February, 1797, the votes for the first and second magistrates of the union were opened and counted in presence of both houses;

and the highest number appearing in favour of Mr. Adams, and the second in favour of Mr. Jefferson, the first was declared to be the president and the second the vice president of the United States, for four years to commence on the fourth day of the ensuing March. On that day, Mr. Jefferson also took the chair as president of the senate, and delivered to that body, a short address, in which he expressed his firm attachment to the laws and constitution of his country, and his anxious wish to fulfil, with correctness and satisfaction, the duties of the office to which he had been called.

During the four succeeding years, much of Mr. Jefferson's time was passed tranquilly at Monticello. From the nature of our constitution, there is little which can call the vice president into the prominent political duties of the government, unless he is required to fill the station of the chief magistrate. It is not, therefore, a matter of any surprise, that during this period, we find but little notice of him among the public records of the day.

As, however, the time approached for a new election of a president, the republican party again selected Mr. Jefferson, as their candidate for the office, and with more success than on the preceding occasion. Yet an accident, arising from inattention to the constitution, went near to defeat the acknowledged wishes and intentions of the people, and to place in the executive chair an individual to whom it was notorious no vote had been given for that station. The democratic party had elected Mr. Jefferson as president, and Mr. Burr as vice president of the United States, by an equal number of

votes; but, as the constitution required no specification of the respective office to which each was elected, they came before congress, neither having the majority required by law. Under these circumstances, the election devolved on the house of representatives, and the opponents of Mr. Jefferson, taking advantage of the occurrence, threw their votes into the scale of Mr. Burr. In the heat and violence of party, much may be excused, which calls down our severest animadversions in times of less excitement. Week after week, was the nation kept in suspense, while a contest was fiercely maintained, by which it was attempted to raise to the highest office of the nation, a man who had not received a solitary vote from the people, in opposition to one, who for thirty years had been a distinguished member of their councils, who had held the highest offices of the government, who was fitted for the station alike by his experience, his services and his virtues, and who, above all, was notoriously the choice of a majority of the nation. At length, after thirty-five ineffectual ballots, one of the representatives of the state of Maryland, made public the contents of a letter to himself, written by Mr. Burr, in which he declined all pretensions to the presidency; and authorized him to disclaim, in his name, any competition with Mr. Jefferson. On this specific declaration, on the part of Mr. Burr, two federal members, who represented the states which had heretofore voted blank, withdrew, and permitted the republican members from those states to become a majority; and, instead of putting a blank into the box, to vote positively

for Mr. Jefferson. Consequently, on the thirty-sixth balloting, Mr. Jefferson was elected president. Colonel Burr became, of course, vice president.

On the fourth of March, 1801, Mr. Jefferson took the oath of office in the presence of both houses of congress, and delivered his inaugural address. He expressed in this, his sincere diffidence in his powers, properly to fulfil the task which his countrymen had assigned him; seeing, as he did, the honour, the happiness and the hopes of his beloved country, committed to the issue and auspices of that day; and fully conscious of the magnitude of the undertaking, he indulged the hope, that as the contest of opinion had now been settled, by the rules of the constitution, all parties would unite, in common efforts for the common good; that harmony and affection, without which liberty and even life itself are but dreary things, might be restored to social intercourse; and that though called by different names, as all were in truth brethren of the same principle, the invidious distinctions of party might cease. He exhorted them, with courage and confidence, to pursue the principles of government they had adopted; a government which would restrain men from injuring one another, but leave them otherwise free to regulate their own pursuits of industry and improvement, and not take from the mouth of labour the bread it had earned. This he said was the sum of good government: and this necessary to close the circle of our felicities.

About to enter on the exercise of duties which comprehended every thing dear and valuable to his country-

men, he deemed it his duty, to state distinctly what he believed to be the essential principles by which his administration would be governed.—Equal and exact justice to all men, of whatever state or persuasion, religious or political:—peace, commerce, and honest friendship with all nations, entangling alliances with none:—the support of the state governments in all their rights, as the most competent administration for our domestic concerns, and the surest bulwarks against anti-republican tendencies:—the preservation of the general government in its whole constitutional vigour, as the sheet anchor of our peace at home, and safety abroad:—a jealous care of the right of election by the people, a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided:—absolute acquiescence in the decisions of the majority, the vital principle of republics, from which is no appeal but to force, the vital principle and immediate parent of despotism:—a well disciplined militia, our best reliance in peace, and for the first moments of war, till regulars may relieve them:—the supremacy of the civil over the military authority:—economy in the public expense, that labour may be lightly burdened:—the honest payment of our debts and sacred preservation of the public faith:—encouragement of agriculture, and of commerce as its handmaid:—the diffusion of information, and arraignment of all abuses at the bar of the public reason:—freedom of religion; freedom of the press; and freedom of person, under the protection of the habeas corpus:—and trials by juries impartially selected.

“These principles form the bright constellation, which has gone before us, and guided our steps through an age of revolution and reformation. To the attainment of them,” he concludes, “have been devoted the wisdom of our sages and the blood of our heroes—they should be the creed of our political faith, the text of civic instruction, the touchstone by which to try the services of those we trust: and should we wander from them in moments of error or of alarm, let us hasten to retrace our steps, and to regain the road which alone leads to peace, liberty and safety.”

It would not be consistent, either with the character or length of this memoir, to enter into the details of the public measures of Mr. Jefferson while he occupied the presidential chair. His administration embraces a long and interesting period, in the history of our country, distinguished by important measures, whose consequences have been felt in later periods, and which have led to results affecting in no inconsiderable degree, the honour and prosperity of the nation. These are subjects which demand the research and deliberation of an acute historian; the present article aims to be nothing more than a cursory though faithful biography.

In December 1801, Mr. Jefferson sent his first message to both houses of congress. It had been the custom thus far, since the formation of the government, for the president to deliver in person this communication to congress, and for that body to reply at once in a formal address. In the change now made by Mr. Jefferson, he appears to have had in view, at once, the convenience

of the legislature, the economy of their time, their relief from the embarrassment of immediate answers on subjects not yet fully before them, and the benefits thence resulting to the public affairs. In these respects its advantages have been so apparent, that it has been invariably adopted on every subsequent occasion.

In addition to these causes, there can be little doubt however, that this was one of the modes adopted by Mr. Jefferson, to give a more popular feature to the administration. No one had had a better opportunity, of perceiving the influence of forms, even trifling ones, in the affairs of government, or had entered more fully into the spirit of the age, for abolishing such as were useless. Indeed in this respect, a wonderful revolution had taken place in the minds of all men, even in the short space that had occurred, since the first organization of our government. At that time, from the force of ancient habits, it was scarcely possible to contemplate the administration of power, without those forms which were thought necessary, to obtain for it a useful respect; and the first great chief of our country, had adopted such as united, according to the conceptions of his elevated mind, the dignity of power with republican simplicity. Most of us, however, can recollect with what rapidity, the whole train of ceremony and fashion in dress and manners was swept away; so that it was scarcely more than in accordance with the general feeling of the times, that Mr. Jefferson introduced this and other changes, which certainly abolished all forms, beyond those of elevated private life, and that personal respect which

will always be bestowed upon the man, whom the choice of his country has pronounced, the first of its citizens.

In his message, Mr. Jefferson states, that the restoration of peace in Europe, had restored the friendly feelings of foreign nations, while it prevented any longer their violations of neutral rights. That our intercourse with the savage tribes on our own frontiers, was marked by a spirit of peace and friendship, advantageous and honourable at once to them and us. That with the African states, our affairs were in a situation less satisfactory, and such as demanded seriously the consideration, whether measures of offence should not be authorized. That at home our population was increasing in a very great ratio, our revenue so flourishing as to enable us to dispense with all internal taxation, the expenditures of the civil government reduced, a large portion of the public debt faithfully paid, and our agriculture, manufactures, commerce and navigation, the four pillars of our prosperity, rapidly thriving. He recommends to their particular consideration, the disposal of the surplus in the military establishment, the general militia system, the increase of the navy, the expediency of erecting more fortifications of an expensive character, the judiciary system that had been lately established, and the extension of the laws relative to naturalization.

During the succeeding four years, the internal policy of the country underwent several important changes, all calculated to develop the admirable and peculiar nature of our institutions, and to support and preserve the

principles on which they are founded. In its relations with foreign countries, the aggressions of the Tripolitans were gallantly and promptly chastised, and the attempts made by the agents of the Spanish government, to violate their treaties and deprive our citizens of the rights guaranteed to them, of navigating the Mississippi, were immediately noticed and repelled. The privileges indeed, which had been secured to the inhabitants of the western country, were of vital importance to its prosperity; yet they had ever been the subject of jealousy and invasion. We have already seen, that during Mr. Jefferson's administration of the department of state, this was an object that engaged much of his attention. That attention he now renewed, and after considerable negotiation it terminated in the purchase of Louisiana, one of the most important acquisitions ever made by the people of the United States. "Whilst the property and sovereignty of the Mississippi and its waters," to use Mr. Jefferson's own language, "secured an independent outlet for the produce of the western states, and an uncontrolled navigation through their whole course, free from collision with other powers, and the dangers to our peace from that source, the fertility of the country, its climate and extent, promise in due season important aids to our treasury, an ample provision for our posterity, and a wide spread for the blessings of freedom and equal laws." On the twentieth December, 1803, the territory was formally surrendered to the United States by the commissioner of France.

It is a charming feature in the life of Mr. Jefferson, that amid all the occupations and absorbing interest of his political career, he never forgot, or neglected the cause of philanthropy and science. Like lord Bacon, his ambition prompted him to aim at the loftiest honours which his country could bestow, but yet the attachment which he had early formed to pursuits, less splendid if not less useful, seems to have lingered around his mind, during the busiest moments of public occupation, and to have been renewed, with fresh delight, in the leisure of private life. The purchase of Louisiana, afforded an opportunity for accomplishing a plan he had long formed, for a minute and scientific examination of the immense territory of the west, which spreads from the Mississippi to the Pacific. This measure he proposed to congress; and on its receiving their sanction, he appointed for the purpose, captain Lewis and lieutenant Clarke, two intelligent officers in the army of the United States. He drew up for them himself, a set of instructions pointing out to their attention, the various objects towards which their investigations would be most advantageously directed; the geography, the natural history, the climate, the resources, and the peculiarities of the region through which they were to pass; the numbers and situation of the various Indian tribes; the establishment of commercial and friendly relations with them; and the best means for accomplishing the objects of the expedition. It was attended with all the success that could be desired. The party embarked at St. Louis in May, 1804; ascended the Missouri three thousand miles to the falls; thence

crossed the rocky mountains, covered with perpetual snow, and after descending for four hundred miles by various streams, they reached the navigable waters of Columbia river; the course of this they followed for six hundred and forty miles until they arrived at the Pacific ocean. They reached St. Louis, on their return, in September, 1806, after an absence, from all civilization, of more than twenty-seven months. The journey from St. Louis, was above four thousand miles; in returning, thirty-five hundred; making, in the whole, seven thousand five hundred miles. The mass of information collected in the expedition, was valuable and extensive; it was equally advantageous to the scientific and political institutions of the country; and it led the way for similar expeditions, each of which has proved the skill with which it was arranged, and the benefits that have arisen from it.

So much were the measures adopted by Mr. Jefferson, during the four years for which he had been chosen, approved by his country, that, as the period approached for a new election, his popularity increased more and more, and he was elevated to the presidency a second time, by a majority which had risen from eight votes to one hundred and forty-eight. During the course indeed of his administration, the press in its full licentiousness had been directed against him, and, as he observed himself, the experiment had been fully made, whether freedom of discussion unaided by power, was not sufficient for the propagation and protection of truth. It had been fairly proved, that a government conducting

itself in the true spirit of its constitution, with zeal and purity, and doing no act which it would be unwilling the world should witness, could not be written down by falsehood and defamation; but that the people, aware of the latent source from which these outrages proceeded, would gather around their public functionaries, and when the constitution called them to the decision by suffrage, they would pronounce their verdict, honourable to those who had served them, and consolatory to the friend of man, who believes he may be intrusted with his own affairs.

He entered a second time on the duties of his lofty station, deeply feeling the proof of confidence which his fellow citizens had given him. He asserted his determination to act up to those principles, on which he believed it his duty to administer the affairs of the commonwealth, and which had been already sanctioned by the unequivocal approbation of his country. "I do not fear" he said in concluding his inaugural address "I do not fear that any motives of interest may lead me astray; I am sensible of no passion which could seduce me knowingly from the path of justice; but the weaknesses of human nature and the limits of my own understanding will produce errors of judgment sometimes injurious to your interests; I shall need therefore all the indulgence I have heretofore experienced—the want of it will certainly not lessen with increasing years. I shall need too the favour of that Being in whose hands we are, who led our forefathers, as Israel of old, from their native land, and planted them in a country flowing with all the ne-

cessaries and comforts of life; who has covered our infancy with his providence, and our riper years with his wisdom and power.”

Mr. Jefferson had scarcely entered on his office, before his attention was called to an event, obviously calculated to destroy the domestic tranquillity of the country, if not the constitution and union itself. This was no other than what has been termed the conspiracy of colonel Burr. We have already mentioned the unforeseen accident, which had nearly elevated this gentleman to the presidency. Since that time he had aimed at the office of governor of the state of New York, without success, and at the recent election, had been succeeded by Mr. Clinton, as vice president of the United States. Of an ardent and ambitious spirit, these disappointments seem to have urged him to some desperate enterprise, not consonant to his general duties as a citizen, if not expressly contrary to the laws of his country. Assuming the unfriendly measures of the Spanish government, on the south-western frontier, as the cause or pretext of his conduct; and holding out to the young and aspiring, the alluring idea of establishing in its provinces a new republic; he succeeded in drawing many of his countrymen into his schemes. That his real views however extended beyond this, has been generally presumed though what they precisely were, has never been known. By many it was believed that the enterprise, which, it was ascertained, was to originate in the western states, had for its object the separation of the states, beyond the Alleghany mountains, from their political connexion with

those on the Atlantic border; and, by uniting them with the territories on the western bank of the Mississippi, the formation of a distinct and independent empire. Whatever may have been the ultimate object of his plans however, as soon as Mr. Jefferson received information that a number of private individuals were combining together, arming and organizing themselves contrary to law, with the avowed object of carrying on some military expedition, against the territories of Spain; he took measures without delay, by proclamation as well as by special orders, to prevent and suppress the enterprise, to seize the vessels, arms and other means provided for it, and to arrest and bring to justice its authors and abettors. His scheme being thus discovered and defeated, colonel Burr fled; but was eventually apprehended on the Tombigbee, and escorted as a prisoner of state, under the guard of a military officer, to Richmond in Virginia. On his arrival in that city, he was delivered over to the civil authority, by virtue of a warrant from the honourable John Marshall, chief justice of the United States, grounded on charges of a high misdemeanor, in preparing and setting on foot, within the territories of the United States, a military expedition, to be carried thence, against the dominions of the king of Spain, then at peace with the United States; and also, of treason against the United States. At the close of a long examination of witnesses, he was bound over to take his trial on the first charge, the chief justice not deeming the evidence of an overt act of treason, sufficient to justify a commitment on the latter. On the seventeenth

of August, 1807, he was brought to trial. Several days were consumed in the examination of witnesses, and in the discussion of the law of treason, as it arose out of the constitution. The assemblage of the individuals was proved; but the evidence was not legally sufficient to establish the presence of colonel Burr, or the use of any force against the authority of the United States. The consequence was the acquittal of the prisoners. On the meeting of congress, a few months after, Mr. Jefferson laid before them the proceedings and evidence which had been exhibited at the trial. From these, he stated to them, they would be enabled to judge whether the defect was in the testimony, in the law, or in the administration of the law, and wherever it should be found, the legislature alone could apply or originate the remedy. The framers of our constitution certainly supposed they had guarded, as well their government against destruction by treason, as their citizens against oppression, under pretence of it, and if these ends were not attained, it was of importance to inquire by what means more effectual, they might be secured.

The foreign relations of the country however, at this period, involved questions of infinitely greater importance, than any which arose from its domestic troubles. Nearly the whole revenue of the United States then depended on its external commerce; the situation of the world rendered that commerce as lucrative as it was extensive; and every act which affected its prosperity, was a vital injury to the welfare of the country.

It would at this moment be more than useless, to enter into the numerous aggressions which had been committed on the rights, character and commerce of the United States, both by Great Britain and France, from the commencement of the war between them in 1793, or to rake from their ashes, the innumerable facts and still more innumerable controversies to which they gave rise, not only between those nations and the United States, but among the citizens of the last, according to the light in which they viewed the conduct of the two great parties. It is sufficient to recollect, that from the commencement of the war, both the great belligerent powers seemed to view the United States as a country, to which that course of conduct was to be dictated as neutral, which was congenial to their own views or interests, and each assumed the right to punish in the neutral, what it chose to consider as favour to its enemy. In fact, each presuming on the weakness of the United States to defend its property on the seas, had inflicted upon them the most severe and unprincipled aggressions; and which nation exceeded the other in violence of conduct or in want of principle, although a great party question at the time, it is now perhaps unnecessary to inquire; in the early part of the war, when both were powerful on the ocean, both had resort to open and avowed national acts, which followed up by the spirit of plunder in their navies and the insatiable thirst for privateering, had at times nearly swept the American commerce from the ocean; and this was accompanied by innumerable seizures in part under the most aggra-

vating circumstances. All these however, had been parried by the government of the United States, partly from a sense of the deplorable consequences which, in its infant establishment, must have attended a war with either of the belligerents, and partly from the great advantages that attended its neutral situation and vast commerce, even under all the injuries it sustained. The period that had elapsed, therefore, from the beginning of the war between Great Britain and France, to the presidency of Mr. Jefferson, had been consumed in a series of remonstrances and negotiations between the United States and the belligerents, which in no inconsiderable degree raised the character of the United States, though they did not settle the great principles on which their neutrality and commerce were to be regulated and respected.

The object and scene of conflict, however, had now materially changed. France and the nations who took part with her, had by this time lost their colonies, and been swept from the seas, of which Great Britain remained the powerful mistress; while, on the other hand, she had been driven from the continent by the ascendancy of France. In this situation, with the predominance of one by land and of the other on the ocean, the points of contact remained but few, while the animosity of each attempted to wound the other in every assailable point; England by subsidizing the powers of the continent, and France by a war of extermination against British commerce.

This contest produced, as is well known, a new scene of boundless depredation, under a new series of hostile recriminating acts, of which those called the Berlin and Milan decrees by France, and the British orders in council were the great type; of these whatever was the effect upon the parties themselves, the destruction of all neutral commerce was the obvious consequence. To neutral nations therefore and to the United States, as almost the only one in existence, this great principle became established, that as both the belligerents had violated every principle of justice, the causes of war against both were numerous and obvious, and the choice was left to the neutral to begin it with both or either according to its own interest, leaving that party to complain of partiality or injustice, which should first do justice to it.

In this situation all those nice calculations which might otherwise have been made, and which prevailed largely at the time, as to the equality of conduct to be maintained towards the belligerent powers, became in a great degree lost, and it is obvious a nice balance on the subject could not be pursued. If the violence of the hostile decrees was to be judged by their temper and spirit, both were enormously injurious. But a great difference existed in the power to execute them; the acts of France however severely carried into effect, within the limits it could command, were confined in their operation, while the scope for injury by Great Britain was boundless, and of course it was with her during all the war, but particularly the latter stage of it, that collisions became more frequent, and the measures of the

United States more prominent, so much so that this very circumstance gave a tinge to the character of the transactions themselves.

It is certain, however, that there were some circumstances which, independent of the serious injury common to both the belligerents, were peculiar to the situation of the United States and Great Britain with each other, particularly the right of searching neutral ships for enemy's goods, the revival of what was called the rule of war of 1756 prohibiting neutrals from trade which they had not enjoyed in time of peace, and the search for and impressment of English subjects and seamen. The first of these had been conceded by the United States, in their first treaty with England, and again in Mr. Jay's treaty, while it had not been admitted in the treaties with France; the second had been in some degree modified in the negotiations with England; but the third was a measure so important to both parties, upon principles so directly opposite to each other, as to constitute in itself alone a cause of disquietude, the most aggravating of all others. Bitterly, indeed, did it come home to the feelings of the people of the United States, that their vessels should be searched on the seas to determine the character of their citizens, that determination left to ignorant or unprincipled officers, and themselves taken by force to fight the battles of other nations, beyond the protection of their own government and laws, deprived of their natural rights and the inherent liberty of their country.

All these had been the subjects of continual but unavailing negotiation, in common with the general causes of complaint against both nations, and had produced some hostilities, particularly those with France during Mr. Adams's administration. Upon the accession of Mr. Jefferson, however, the foreign relations of the United States reposed upon the recent peace with France in 1800, and Mr. Jay's treaty with England, and these were soon followed by the general peace of Amiens, when our government had only to prosecute its demands for the injuries and spoliations its citizens had sustained. Of these, a part of what was claimed from France was obtained by the purchase of Louisiana, and the rest, with the claims on England and other countries, remained in common with all other sources of complaint, the subject of negotiation.

Upon the rupture of the peace of Amiens, the ships of the United States became again the carriers of the world, and its commerce as unbounded as before. In this situation, it was in the highest degree the interest as it was the desire of the people, to pursue a course of rigid neutrality, and Mr. Jefferson declared it their policy to cultivate the friendship of the belligerent nations, by every act of justice and of innocent kindness; to receive their armed vessels with hospitality from the distresses of the sea, but to administer the means of annoyance to none; to establish in our harbours such a police as might maintain law and order; to restrain our citizens from embarking individually in a war in which their country took no part; to punish severely those

persons, citizen or alien, who should usurp the cover of our flag for vessels not entitled to it, infecting thereby with suspicion those of real Americans, and involving us in controversies for the redress of wrongs not our own; to exact from every nation the observance towards our vessels and citizens of those principles and practices which all civilized people acknowledge; to merit the character of a just nation, and maintain that of an independent one, preferring every consequence to insult and habitual wrong.

The justice of these principles was not as it could not be denied; but the practice of them was soon put to a severe trial, by the aggressions of the belligerent powers, which seemed to increase with their vindictiveness against each other, and the prosperous commerce and situation of the United States. The attacks and depredations renewed against their colonial trade as a war in disguise, by the impressment of their seamen, by robberies on their coasts and harbours, and by the revival of all the hostile forms in which they had been harassed before, became so numerous and galling during the years 1804 and 1805, as to induce Mr. Jefferson to resort in some instances to force, to repel them. In December of the latter year, seconded by numerous remonstrances from the people, he called the attention of congress pointedly to the subject—"Our coasts" he remarks "have been infested, and our harbours watched, by private armed vessels, some of them without commissions, some with illegal commissions, others, with those of legal form, but committing piratical acts beyond the authority

of their commissions. They have captured in the very entrance of our harbours, as well as on the high seas, not only the vessels of our friends, coming to trade with us, but our own also. They have carried them off under pretence of legal adjudication, but, not daring to approach a court of justice, they have plundered and sunk them by the way, or in obscure places, where no evidence could arise against them, maltreated the crews, and abandoned them in boats, in the open sea, or on desert shores, without food or covering.

The same system of hovering on our coasts and harbours, under colour of seeking enemies, has been also carried on by public armed ships, to the great annoyance and oppression of our commerce. New principles too have been interpolated into the law of nations, founded neither in justice, nor the usage or acknowledgment of nations. According to these a belligerent takes to itself a commerce with its own enemy, which it denies to a neutral, on the ground of its aiding that enemy in the war. But reason revolts at such an inconsistency; and the neutral having equal right with the belligerent to decide the question, the interests of our constituents, and the duty of maintaining the authority of reason, the only umpire between just nations, impose on us the obligation of providing an effectual and determined opposition to a doctrine, so injurious to the rights of peaceable nations."

It was now that a line of policy was adopted, which though it had been in some degree that of his predecessors, and particularly of general Washington, may be

considered, in the manner it was now exercised, as a distinguished feature of Mr. Jefferson's administration. It was to prepare the country for domestic defence, but to do so rather by shutting it up from foreign intercourse, than by exposing it to war; and in the mean time to try the full effect of negotiation, and to exercise yet a little longer forbearance under our numerous injuries. Accordingly the measures adopted by the government, in the early part of 1806, were those for the defence of the ports and coasts, and of the country itself in case of need, the act called the non-importation act, and the appointment of commissioners to negotiate abroad, particularly of Mr. Pinkney who was united with Mr. Monroe, the then resident minister in London.

It does not appear that any of the measures thus adopted, gave umbrage abroad, on the contrary Mr. Pinkney writing on the spot soon after his arrival, with a full knowledge of the temper of the government, and its effect upon England, pronounced the non-importation act a wise and salutary measure. His negotiations indeed though rendered unavoidably slow, were proceeding with prospects somewhat more favourable, when Bonaparte, stimulated as it should seem by the unlimited power of Great Britain on the seas, and the boundless depredations she committed in consequence of it, and perhaps by a jealousy of the negotiations pending in England, issued his decree of the twenty-first of November from Berlin. This however did not prevent the continuance of the negotiation and the completion of a treaty in December, though it was accompanied by

a declaration, that it should not preclude a right of retaliation; on the contrary that right was almost immediately exercised by the British orders in council of January, 1807.

As the treaty with England contained little or no remedy for former injuries, and no sufficient stipulation against their renewal, added to the new causes which the hostile decrees had elicited, it was not confirmed by Mr. Jefferson; but still anxious for the line of policy he had adopted, and not to close the door against friendly adjustment, the commissioners were directed to resume their negotiations, with some further concessions on the part of the United States, and equal steps were pursued for accommodations with France.

While reposing however with confidence on this new reference to amicable discussion, an act was committed which aroused the outraged feelings of the whole nation. On the twenty-second of June, 1807, by a formal order from a British admiral, the frigate *Chesapeake*, leaving her port for a distant service, was attacked by one of those vessels which had been lying in our harbours under the indulgences of hospitality, was disabled from proceeding, and had several of her crew killed, and four taken away. On this outrage no commentaries are necessary. Its character has been pronounced by the indignant voice of our citizens, with an emphasis and unanimity never exceeded. A proclamation was immediately issued by Mr. Jefferson, requiring all British vessels bearing the royal commission to depart, and forbidding all to enter the waters of the United States.

Satisfaction and security for the outrage were promptly demanded; an armed vessel of the United States was sent directly to London with instructions to our ministers on the subject, and congress did not hesitate to declare it a flagrant violation of our jurisdiction, of which a parallel was scarcely to be found in the history of civilized nations, and which if not disavowed, was just cause of instant and severe retaliation.

The British government immediately disavowed the act of the officer by whom it had been committed, and voluntarily made an offer of reparation which was afterwards carried into effect. Scarcely however was this one act of injustice and aggression atoned for, when another was committed. In November of the same year, 1807, orders were issued by the king in council, wherein he prohibited all commerce between America and the ports of his enemies in Europe, unless the articles had been first landed in England and duties paid for their re-exportation; and declared that a certificate from a French consul of the origin of articles, should render the vessel in which they were, liable to condemnation. The ground on which it was attempted to justify these measures, was as a retaliation for the course which had been adopted by the French government relative to neutral commerce; a pretext alike frivolous and unfounded. It was not denied that France had pursued a course quite unjustifiable; but yet, even supposing what has been uniformly denied, that the measures against America were first adopted by that nation, it is hard to imagine by what process of reasoning those measures

could justify an attack on the acknowledged rights of a nation, that was no partner in their adoption, and to whose interests they were vitally inimical.

Consequently appeal to justice and national law was made in vain, and America had left her no alternative but abject submission or decided retaliation. Yet it was difficult to know by what means this retaliation could be effected. Two only suggested themselves, a declaration of war, or a suspension of commerce on the part of the United States. The unsettled state of the world at that period, the peculiar and extraordinary situation in which this country was placed, the necessity if hostilities were resorted to, of making it at the same time against the two most powerful nations of the world, the peaceful habits, the limited resources, and the uncertain issue, were just causes of hesitation in adopting the more decided alternative; and although there could be no doubt that its adoption would injure if it did not destroy an extensive and valuable commerce, yet that commerce would equally suffer from the dangers of war, or the ravages of unrevenged and unnoticed aggression. Under these circumstances, on the eighteenth December, 1807, Mr. Jefferson recommended to congress an inhibition of the departure of our vessels from the ports of the United States, and on the twenty-second of the same month an act was passed by congress laying an embargo upon them.

This measure, the most prominent feature in the administration of Mr. Jefferson, was not adopted as may well be supposed without much opposition from those whose views of policy were different from his own; yet

at this period when much of the violence of party has subsided, and subsequent events have shown the effect of such a measure, it seems difficult to imagine what other course could have been pursued, situated as the country was at that period. Surely a tame submission was not to be thought of, and if it had been, national honour being forgotten, in no point of view could it have saved the suffering commerce of the nation. The experiment of negotiation had been made year after year without success; private and public rights had been infringed with impunity; and America must have consented to become the willing and unresisting victim of commercial despotism, to be despised and trampled on in future, whenever Europe should choose to pursue her sordid schemes of commercial aggrandizement. With most nations and under ordinary circumstances, the appeal to war would have been as prompt as the injury was unjustifiable; but the government and situation of America required the exertion and failure of every other alternative, before that was resorted to. Under these circumstances the embargo presented itself as a measure of retaliation, if not decisive at least preparatory. It could only be injurious to the commercial interests of the nation; and surely these were already in a situation which nothing could more injure. It left open equally the means of farther negotiation and the power of resorting to war, while it showed to foreign nations the decided spirit which animated our councils, and inflicted no inconsiderable blow on their interests.

On these grounds it was recommended by Mr. Jefferson, and certainly promised at least temporary success. The interesting letters which have lately been given to the world, in the biography of one of our most distinguished citizens, then ambassador in London, seem to place this circumstance beyond question. Very shortly after its establishment, in writing from London, he observes, "It is apparent that we gain ground here. The tone is altered. The embargo has done much, although its motives are variously understood. Some view it with doubt and suspicion. The government appears to put a favourable construction upon it; and all agree that it is highly honourable to the sagacity and firmness of our councils. Events which you could only conjecture when the measure was adopted, have already made out its justification beyond the reach of cavil." "To repeal the embargo," he observes in a subsequent letter, "would be so fatal to us in all respects, that we should long feel the wound it would inflict, unless indeed some other expedient, as strong at least and as efficacious in all its bearings, can (as I fear it cannot) be substituted in its place. On the other hand," he adds, "if we persevere we must gain our purpose at last. By complying with the little policy of the moment, we shall be lost. By a great and systematic adherence to principle, we shall find the end to our difficulties. The embargo and the loss of our trade are deeply felt here, and will be felt with more severity every day. The wheat harvest is like to be alarmingly short, and the state of the continent will augment the evil. The discontents among the manufac-

turers are only quieted for the moment by temporary causes. Cotton is rising, and soon will be scarce. Unfavourable events on the continent will subdue the temper unfriendly to wisdom and justice which now prevails here. But above all, the world will, I trust, be convinced that our firmness is not to be shaken. Our measures have not been without effect. They have not been decisive, because we have not been thought capable of persevering in self-denial, if that can be called self-denial which is no more than prudent abstinence from destruction and dishonour."

Mr. Jefferson was so far destined ere his retirement to behold the success of his plans, that in January, 1809. after the embargo had existed a year, overtures were made by Mr. Canning to Mr. Pinkney, which indicated a disposition on the part of the British government, to recede from the ground they had taken. These overtures were succeeded by negotiations, which at last terminated in the repeal of some of the most objectionable features of the orders in council. On this event Mr. Pinkney remarks—"Our triumph is already considered as a signal one by every body. The pretexts with which ministers would conceal their motives for a relinquishment of all which they prized in their system, are seen through; and it is universally viewed as a concession to America. Our honour is now safe, and by management we may probably gain every thing we have in view."

The period had now arrived, when Mr. Jefferson, was to terminate for ever his political career; he had

reached the age of sixty-five years; he had been engaged almost without interruption for forty years in the most arduous duties of public life; and had passed through the various stations, to which his country had called him, with unsullied honour and distinguished reputation; he now, therefore, determined to leave the scene of his glory while its brightness was unobscured by the unavoidable infirmities of age; and to spend the evening of his days in the calmness of domestic and philosophical retirement. In his message to congress he alluded to this determination; and took leave of them in the following language.

“Availing myself of this, the last occasion which will occur of addressing the two houses of the legislature at their meeting, I cannot omit the expression of my sincere gratitude, for the repeated proofs of confidence manifested to me by themselves and their predecessors, since my call to the administration, and the many indulgences experienced at their hands. The same grateful acknowledgments are due to my fellow citizens generally, whose support has been my great encouragement under all embarrassments. In the transaction of their business I cannot have escaped error. It is incident to our imperfect nature. But I may say with truth my errors have been of the understanding, not of intention, and that the advancement of their rights and interests has been the constant motive for every measure. On these considerations I solicit their indulgence. Looking forward with anxiety to their future destinies, I trust that in their steady character, unshaken by diffi-

culties, in their love of liberty, obedience to law, and support of public authorities, I see a sure guarantee of the permanence of our republic; and retiring from the charge of their affairs, I carry with me the consolation of a firm persuasion, that Heaven has in store for our beloved country, long ages to come of prosperity and happiness."

From this period, with the exception of the few excursions which business may have required, Mr. Jefferson has resided entirely at Monticello. Into the retirement of his domestic life, we have not, unfortunately, the means of penetrating. It is reserved for some other pen—may we indulge the hope that it will be his own—to portray the pursuits, the studies, and the thoughts which have engaged his active and intelligent mind, during the long period that had passed away, since he withdrew from public life. He has indeed appeared occasionally before his countrymen, by the publication of his private correspondence; publications which have ever proved the same purity of intention, the same earnest zeal in the promotion of liberal opinions, the same intelligence, forethought and firmness which distinguished the actions of his earlier life. He has been called forward from time to time, by the repeated anxiety of his countrymen to connect him with the rising institutions, which have been formed to promote science, taste and literature. And above all, he has been sought out in his retirement by strangers from every foreign nation, who have heard of and admired him; by the natives of every corner of his own country, who have

looked up to him as their guide, philosopher and friend. His home has accordingly been the abode of hospitality and the seat of dignified retirement; and while he thus forgets the busy scenes of his political existence, in the more calm and congenial pleasures of learning and science, Monticello reminds us of the scene where the Roman sage, deserting the forum and the senate, discoursed beneath his spreading plane tree on the rights and duties of man.

Rura nemusque sacrum dilectaque jugera Musis.

To his private cares or pleasures, however, these years have not been wholly devoted. In the improvement of public education in his native state, and the establishment of a university he has been employed with extreme zeal, for several years past. Indeed soon after his return to Monticello, when the formation of a college in his neighbourhood was proposed, he addressed a letter to the trustees, in which he sketched a plan for the establishment of a general system of education in Virginia. This appears to have led the way to an act of the legislature in the year 1818, by which commissioners were appointed with authority to select a site and form a plan for a university, on a scale of great magnificence. Of these commissioners Mr. Jefferson was unanimously chosen the chairman, and on the fourth of August, 1818, he framed a report embracing the principles on which it was proposed the institution should be formed. The situation selected for it was at Charlottesville, a town at the foot of the mountain on which Mr. Jefferson resides. The plan is such as to combine elegance and utility with

the power of enlarging it to any extent, which its future prosperity may require. The instruction is to extend to the various branches of learning, which a citizen will require in his intercourse between man and man, in the improvement of his morals and faculties and in the knowledge and exercise of his social rights. Such an education Mr. Jefferson observes, “generates habits of application and the love of virtue; and controls, by the force of habit, any innate obliquities in our moral organization. We should be far too from the discouraging persuasion, that man is fixed, by the law of his nature, at a given point; that his improvement is a chimæra, and the hope delusive of rendering ourselves wiser, happier, or better than our forefathers were. We need look back only half a century, to times which many now living remember well, and see the wonderful advances in the sciences and arts which have been made within that period. Some of these have rendered the elements themselves subservient to the purposes of man, have harnessed them to the yoke of his labours, and effected the great blessings of moderating his own, of accomplishing what was beyond his feeble force, and of extending the comforts of life to a much enlarged circle, to those who had before known its necessities only.— That these are not the vain dreams of sanguine hope, we have before our eyes real and living examples. What, but education, has advanced us beyond the condition of our indigenous neighbours? and what chains them to their present state of barbarism and wretchedness, but a bigotted veneration for the supposed superlative wis-

dom of their fathers, and the preposterous idea that they are to look backward for better things and not forward, longing, as it should seem, to return to the days of eating acorns and roots, rather than indulge in the degeneracies of civilization? And how much more encouraging to the achievements of science and improvement, is this, than the desponding view that the condition of man cannot be ameliorated, that what has been must ever be, and that to secure ourselves where we are, we must tread, with awful reverence, in the footsteps of our fathers. This doctrine is the genuine fruit of the alliance between church and state, the tenants of which, finding themselves but too well in their present position, oppose all advances which might unmask their usurpations, and monopolies of honours, wealth and power, and fear every change, as endangering the comforts they now hold." The report then proceeds to state the various arrangements and plans which should be adopted, for the conduct of so extensive an institution; and concludes with a statement of its financial situation. The plan thus proposed was adopted by the legislature. Mr. Jefferson was elected the rector of the new institution, and from that period he has devoted himself with unceasing ardour to carry it into effect. In this he has been eminently successful, the university has been in operation for some years past, and though yet incomplete in many of its departments, it is said that it has fully answered, so far as it has gone, the designs and wishes of its illustrious founder.

Thomas Jefferson is no more. Since the preceding pages were written, he has closed his earthly pilgrimage. He expired at Monticello at ten minutes before one o'clock, on the fourth of July, 1826; within the same hour at which he affixed his name to the Declaration of Independence, fifty years before.

Although the virtues and the fame of Mr. Jefferson, shed a bright lustre around the evening of his days, there was yet one incident to obscure it which however painful, it would scarcely be proper to pass over without notice. In every age and in every country, it has been too often the lot of those who have devoted with thoughtless generosity, to the service of their fellow creatures, the zeal of youth and the experience of maturer years, to find themselves at last in their old age, doomed to poverty which they have no longer the ability to repel. An honourable poverty, incurred in the performance of public duties, or private generosity, unsullied by extravagance, and unattended by crime, will redound to the honour, never to the disgrace of him who has the misfortune to endure it. With Mr. Jefferson it is difficult to imagine how it could have been avoided. For more than fifty years he had been actively engaged in public duties, generally at a distance from his own estate; and though his patrimony was originally large, it could not but be impaired by this unavoidable neglect. In retiring from the exalted station he had enjoyed, he did not enter on a less conspicuous scene; he had become identified as it were with the greatness and glory of his

country, he was the object of attraction to crowds of anxious and admiring guests, and unless by coldly closing his doors, it was impossible to limit the expenses he was thus obliged to incur.

To relieve him from the embarrassment in which he was thus involved, an act of the legislature of Virginia was passed in the spring of 1826, by which he was authorized to dispose of his estates by lottery, in order that a fair price for them might be obtained. Whether this tardy measure was becoming to the character of a high minded state; whether such was the manner in which she should have relieved the wants of a citizen, to whom it is acknowledged she was mainly indebted for all that is most valuable in her government, her laws and her institutions, and who had equally devoted to her his youth, his manhood, and his hoary age—it is not for us to determine.

But few more incidents remain to be told of the eventful life of this great man. The full vigour of his mind indeed remained unimpaired, at least until a very short period before he fell into the grave. The year 1826, being the fiftieth since the establishment of our independence, it was determined universally throughout the United States, to celebrate it as a jubilee with unusual rejoicing; preparations to this end were made in every part of the country; and all means were taken to impart to the celebration, the dignity which was worthy of the country and the event. The citizens of Washington, the metropolis of the nation, among other things invited Mr. Jefferson as one of the surviving signers of the Declara-

tion of Independence, to unite with them in their festivities; this request he was obliged to decline; but the letter in which he signified his regret, is left to us as a monument of his expiring greatness. On the twenty-fourth of June, when the hand of death was already upon him, he expressed in this letter all those characteristic sentiments which through life had so strongly marked him—the delight with which he looked back to the period, when his country had made its glorious election between submission and the sword—the joy he felt in its consequent prosperity—the hope he indulged, that the time would yet come when civil and religious freedom should bless all the world—the ardent wish he entertained, that the return of this day should keep fresh in us the recollection of our rights, and increase our devotion to them, and the affectionate remembrance with which he dwelt on the kindness he had experienced from his fellow citizens. He thus addresses the mayor of Washington, “Respected Sir: The kind invitation I received from you, on the part of the citizens of the city of Washington, to be present with them at their celebration of the fiftieth anniversary of American independence, as one of the surviving signers of an instrument, pregnant with our own and the fate of the world, is most flattering to myself, and heightened by the honourable accompaniment proposed for the comfort of such a journey. It adds sensibly to the sufferings of sickness, to be deprived by it of a personal participation in the rejoicings of that day; but acquiescence under circumstances is a duty not placed among those we are per-

mitted to control. I should, indeed, with peculiar delight, have met and exchanged there congratulations, personally, with the small band, the remnant of the host of worthies who joined with us, on that day, in the bold and doubtful election we were to make for our country, between submission and the sword; and to have enjoyed with them the consolatory fact that our fellow citizens, after half a century of experience and prosperity, continue to approve the choice we made. May it be to the world, what I believe it will be, (to some parts sooner, to others later, but finally to all,) the signal of arousing men to burst the chains, under which monkish ignorance and superstition had persuaded them to bind themselves, and to assume the blessings and security of self-government. The form which we have substituted restores the free right to the unbounded exercise of reason and freedom of opinion. All eyes are opened or opening to the rights of man. The general spread of the lights of science has already laid open to every view the palpable truth, that the mass of mankind has not been born with saddles on their backs, nor a favoured few, booted and spurred, ready to ride them legitimately, by the grace of God. These are grounds of hope for others; for ourselves, let the annual return of this day forever refresh our recollections of these rights, and an undiminished devotion to them.

I will ask permission here, to express the pleasure with which I should have met my ancient neighbours of the city of Washington and its vicinities, with whom I passed so many years of a pleasing social intercourse—

an intercourse which so much relieved the anxieties of the public cares, and left impressions so deeply engraved in my affections, as never to be forgotten. With my regret that ill health forbids me the gratification of an acceptance, be pleased to receive for yourself, and those for whom you write, the assurance of my highest respect and friendly attachments.”

Soon after this letter was written, the indisposition of Mr. Jefferson assumed a more serious character. He had been for some time ill, though it was not until the twenty-sixth of June that he was obliged to confine himself to his bed. The strength of his constitution and freedom from bodily pain, for a short time encouraged the hope that his illness was merely temporary. He himself, however, felt the conviction that his last hour was approaching. He had already lived beyond the limits ordinarily assigned to human existence, and for some months past, the whole tone of his conversation showed that he was looking forward to its termination, with a calmness and equanimity worthy of his past life. “I do not wish to die,” he was in the habit of saying to the intimate friends around him, “but I do not fear to die. Acquiescence is a duty under circumstances not placed among those we are permitted to control.” He declared that could he but leave his family unembarrassed, and see the child of his old age, the university, fairly flourishing, he was ready to depart—*nunc dimittis Domine*, the beautiful ejaculation of the Hebrew prophet, was his favourite quotation.—May God and his country grant the fulfilment of his dying wishes.

On the second of July the complaint with which he was afflicted, left him; but his physician expressed his fears that his strength might not prove sufficient to restore him from the debility to which it had reduced him—conscious himself that he could not recover, and free from all bodily and apparently from all mental pain, he calmly gave directions relative to his coffin and his interment, which he requested might be at Monticello without parade or pomp; he then called his family around him and conversed separately with each of them; to his beloved daughter, Mrs. Randolph, he presented a small morocco case, which he requested her not to open until after his death—when the sad limitation had expired, it was found to contain an elegant and affectionate strain of poetry, on the virtues of her from whom he was thus torn away. On Monday, the following day, he inquired of those around him with much solicitude, what was the day of the month; they told him it was the third of July; he then eagerly expressed his desire that he might be permitted to live yet a little while, to breathe the air of the fiftieth anniversary. The wish was granted—the Almighty hand sustained him up to the very moment when his wish was complete; and then bore him to that world where the pure in heart meet their God.

Those who are now alive, will never forget the deep sensation which the intelligence of this event produced in every part of the United States. The public honours every where lavished, were not, in this case, the mere mockery of wo; but they found a correspondent feeling in the heart of every citizen. It scarcely required

the indulgence of superstition or enthusiasm to see, in the extraordinary coincidence which marked the last hours of Mr. Jefferson, the directing hand of heaven; and in this lesson America had again reason to bless that Almighty power, which had so often seemed in days of adversity, specially to guide her through apparently unconquerable perils, and in days of prosperity to shower down upon her people, in the yet short period of their existence, what other nations have been unable to attain to in the long lapse of time.

In pursuing the ordinary duties of a biographer; the personal and political character of Mr. Jefferson should now claim our notice; and yet it is with conscious inability, that we undertake the task. The memory of his public services, his many virtues, and his excellent and amiable life are so fresh in our recollections, that to speak of him as we feel, may bear the appearance of panegyric rather than the dispassionate judgment of biography. The record of his actions however is a test to which all may appeal; and if in any thing our opinions should be deemed erroneous, to that record let the appeal be made—as they are the surest so are they the noblest monument he has left.

At the time of his death Mr. Jefferson had reached the age of eighty-three years, two months and twenty-one days. In person he was six feet two inches high, erect and well formed, though thin; his eyes were light, and full of intelligence; his hair very abundant and originally red, though in his latter years, silvered with

age. His complexion was fair and his countenance remarkably expressive; his forehead broad, the nose rather larger than the common size, and the whole face square and expressive of deep thinking. In his conversation he was cheerful and enthusiastic; and his language was remarkable for its vivacity and correctness. His manners were extremely simple and unaffected, mingled however with much native but unobtrusive dignity.

In his disposition Mr. Jefferson was full of liberality and benevolence; of this the neighbourhood of Monticello affords innumerable monuments, and on his own estate, such was the condition of his slaves, that in their comforts his own interests were too often entirely forgotten. He possessed uncommon fortitude and strength of mind, with great firmness and personal courage—in forming his opinions he was slow and considerate, but when once formed, he relinquished them with great reluctance; his equanimity and command of temper were such, that his oldest friends have remarked that they never saw him give way to his passions; by his domestic he was regarded with all the warmth of filial affection. His attachment to his friends was warm and unvarying; his hospitality was far beyond his means, and left him, as we have seen, in his old age the victim of unexpected poverty.

The domestic habits of Mr. Jefferson were quite simple. His application was constant and excessive. He rose very early and, after his retirement from public life, devoted the morning to reading and to his corres-

pondence which was varied and extensive to a degree that, in his latter years, became exceedingly troublesome. He then rode for an hour or two, an exercise to which he felt all the characteristic attachment of a Virginian. After dinner he returned to his studies with fresh ardour, and then devoting his evening to his family, retired to bed at a very early hour.

The studies of Mr. Jefferson were extended to almost every branch of literature and science. He was the father of some, and the patron of many of the institutions of his country for their promotion. He was said to be a profound mathematician, and he was in the habit of obtaining from France up to the very day of his death, the most abstruse treatises on that branch of science. His acquaintance with most of the modern languages was minutely accurate; he was a profound Greek scholar, having devoted himself during his residence in Europe to an extensive and thorough study of that language; and he is said to have cultivated a knowledge of those dialects of northern Europe, growing out of the Gothic, which are so closely connected with our own language, laws, customs and history.

So much has been necessarily said, in recording occurrences of Mr. Jefferson's life, that a summary of his general character is reduced within very narrow limits, and may be comprised in three periods; the first from his early youth to the close of the revolutionary war; the second from that time until his retirement from public service; and the third his private life to its close.

In the first of these, we view him entering into life with that union of legal and political knowledge, and that mingled character of professional and agricultural pursuit, which long distinguished the gentlemen of a state. that has furnished a large proportion of our most eminent citizens. The troubles of his country soon commencing, he embarked in them with all the energy of youth, and rising with their increase, we find him throughout their course a firm and fearless partizan, always foremost among those who led the van in the march of freedom, maturing his political principles by constant application, always decided in his conduct, and ready as the times required, to devote himself to the more silent duties of legislation, or the more arduous occupations of executive trusts.

The second period of his life abounded in political circumstances, upon which the best and wisest of his countrymen have entertained very different sentiments; indeed it was scarcely possible, that in a universal change of almost the whole fabric of society, their opinions should not greatly vary. Those of Mr. Jefferson, as is well known, always leaned to the side of freedom, and whether they are viewed with favour or disapprobation, he must be taken as the great leader and author of the more popular form of our administration, as well as of that system which, by shutting out rather than increasing our connexion with foreign countries, leads to the self dependence of our own. The great result of his measures, founded as they undoubtedly were on the excellent basis which had been laid before him, and ge-

nerally followed up by his successors, has been the firm establishment of every great feature of our constitution, as it seems to have been originally designed, united with an administration of it, decidedly popular in its character, and of great simplicity, and at the same time the reduction of party spirit within limits as narrow as are possible or useful, and the increase to an amazing extent of the internal energy and resources of the nation.

The last period of Mr. Jefferson's life was that of rural and philosophic repose. Retiring from public scenes as the greatest of men in every age have done, his activity though abated was not lost, and he still performed the part of a good and great citizen, watching over his country's actions and attempering them by his advice. His early disposition to letters, continued through his busiest, and was the resource of his last years; but his letters and philosophy were of the school of Franklin, less formed to investigate the depths of antiquity or dazzle by their display, than to come home to the interests of his age and country, and direct mankind in the road of practical utility. Of the same character was his style, plain, useful and energetic, adopting terms sometimes not before in use, where he thought them adapted to his purpose, and abounding sufficiently with manly and sublime touches where, as in several of his public papers, such were called for by his subject.

Like Franklin, Mr. Jefferson felt the gradual decay of age, affecting his body rather by insensible degrees,

than by any settled infirmity, and his mind not at all. He became hoary, venerable and bent with years, rather than broken by them; and his death was at last so happy in all its circumstances, that he seemed to have passed from this to another world, with the composure which religion and philosophy must equally desire.

WILLIAM HOOPER.



HOOPER.

WILLIAM HOOPER, a delegate in congress from the state of North Carolina, was born at Boston, in the province of Massachusetts Bay, on the seventeenth of June, 1742.

The family of Hooper, seems to have been originally settled in the neighbourhood of Kelso, an old and considerable town in the south of Scotland; and to have been quite independent in circumstances, and highly respectable in character and connexions. At the village of Edenham, or Edenmouth, about two miles from Kelso, William Hooper, the father of the subject of this memoir, was born in the year 1702; he was graduated at the University of Edinburgh immediately on his coming of age, and soon after emigrated to this country. In Boston, where he fixed his residence, he married the daughter of Mr. John Dennie, an eminent merchant, and by his marriage became connected with several families of high respectability.

He was afterwards elected pastor of Trinity Church in Boston, and enjoyed in a more than ordinary degree, the affection and reverence of a large and respectable congregation. He was distinguished for his manners, which, it is said, were remarkably elegant and accomplished, as well as for a bold and impressive eloquence :

and long after his death, his memory was fondly cherished by a large circle of affectionate friends.

WILLIAM HOOPER, his son, was the eldest of five children. He displayed at a very early age, the marks of considerable talent, but his constitution was extremely delicate from his birth. The first rudiments of knowledge he received entirely from his father, who devoted great attention to his early education, and retained him under his own immediate control until he was seven years old. He was then sent to a free grammar school in Boston, at that time under the care of John Lovell, a teacher of more than usual celebrity in his day; and after remaining with him several years, was removed at the age of fifteen to Harvard University. In this institution he remained three years; he devoted himself while there with extreme ardour, and in the vacations which he passed at home, it is said that under the instructions of his father, his application was even more excessive than whilst he was within the college walls. His inclinations seem to have led him rather to the study of elegant literature, an intimate knowledge of the great masters of antiquity, and the cultivation of a refined taste in composition and in public speaking, than to the pursuit of severer and more abstract science. He commenced bachelor of arts in the year 1760, and left college high in rank and reputation among his fellow students.

It was the early intention, as it had been the earnest wish of his father, that Mr. Hooper should select the church as his profession. His own inclinations, however,

led him to prefer the bar, and that appears to have been a scene more appropriate for his talents and acquirements. To this change in his plans his father yielded, and as soon as his collegiate course had terminated, he became a student of law under James Otis, one of the most distinguished members of the bar in the province.

At this period commenced the attempts of the English parliament, against the rights and privileges of their fellow subjects in the American colonies. Mr. Otis took an early and decided stand, by his writings and by his open declarations, against the assumed power of the British government. He was excelled by none in zeal and equalled by few in abilities. The high esteem and respect which Mr. Hooper entertained for his preceptor, naturally produced a coincidence in their political views; and there is little doubt that at this time those principles were implanted in his mind, which subsequent events matured, and the exigencies of his country afterwards called forth into practical usefulness.

When at length Mr. Hooper was called to the bar, he found that the profession in his native province was so well filled, in respect both to numbers and age, that there was scarcely any field for the exercise of youthful industry or talent. He determined, therefore, to try his fortunes in some other part of the country. In North Carolina he had many connexions of considerable wealth and influence, and this circumstance induced him to select that province as the theatre of his early labours.

After a year or two however spent in North Carolina, his father became exceedingly anxious that he should

return to Boston. His health, naturally delicate, had suffered considerably from the severity with which he applied himself to the study and practice of his profession, as well as from the extreme labour which arose from its active prosecution. The fatigue that attends even at the present time, an extensive country practice is well known; but it is now difficult for us to appreciate the severe duties which devolved on a lawyer of those days. The courts were situated at great distances from each other; the roads were bad, and passed through new countries, scarcely affording the ordinary necessities, much less the comforts which a traveller may fairly require; and the only mode of travelling was on horseback. Mr. Hooper constantly attended the courts in the western counties of the state, some of them nearly two hundred miles from Wilmington, where he resided. Such fatigue might have impaired the strongest constitution; and it was not surprising that one so delicate as his could not long resist its influence.

Another circumstance may have contributed in some degree to the loss of health, from which Mr. Hooper suffered. The manners of the country were social to a degree bordering on conviviality, and little suited to one brought up under the more rigid discipline of the north. Visitors had already designated Wilmington as the region of kindness. Hospitality was practised to excess; and an immoderate attachment to convivial enjoyment, was a folly of the opulent which spread through the classes of society, until none were exempt. Many indeed of the oldest families of the state, now reduced to

comparative poverty, have reason to rue the prodigal liberality of their ancestors.

Nor were these the only reasons which induced his father anxiously to urge his return. He regarded his favourite son, on the cultivation of whose talents he had bestowed so much devoted attention, and whose early life had so far rewarded his most ardent wishes, with all the jealous sensibility of parental affection. He forgot that in the rapid increase of professional reputation, and public esteem, he had already received a reward beyond that to which his years had entitled him; and with all the partial judgment of a father, believed that the talents he had improved with so much care were improperly neglected, so long as the highest offices of public confidence were not conferred on him. This was a subject of mortification which he did not affect to conceal. The lessons of wisdom which he had learned, or which at least he inculcated in the performance of his sacred duties, might have taught him that a life rendered useful by the practice of virtue, and brilliant by the exhibition of genius, ought to gratify the desires of a laudable ambition; and that in such a life there was a daily triumph over the display of wealth and the parade of office. But the feelings of nature, or a knowledge of the world were stronger than religious doctrine. Experience had shown him that wealth was universally coveted as the reward, and office as the stamp of superior excellence; and that even the noblest minds might be desirous not only to merit what they obtained, but to obtain what they merited. The modesty or good sense of the son,

however, ultimately triumphed over the prejudices of his parent ; in the course of a life not marked either by length of years, stability of health, or very close application, he attained distinction higher than office could confer, and left a name which will long be recorded as illustrious in the history of his country.

In the fall of 1767, having determined to fix his residence permanently in North Carolina, he married Miss Anne Clark, of Wilmington, in that province ; a young lady whose family was highly respectable, and whose brother, General Thomas Clark, was afterwards a well known officer in the army of the United States. His choice is said to have been peculiarly fortunate, considering the times on which he had fallen ; for to great goodness of disposition and much intelligence, his wife united a firmness of mind which enabled her to bear up without repining against the privations and distresses to which she became peculiarly exposed, in consequence of the conspicuous situation which her husband held during the revolutionary war.

As Mr. Hooper had now become a citizen and a settled resident of Wilmington, it may be well supposed that he soon held a prominent station among those, who were distinguished for their information, talents and influence. The state of society is said to have been at that period well suited to his turn of mind, and a flattering picture of it has been drawn by one of his relations, which, if somewhat highly coloured, may at least have the advantage of exciting or gratifying local recollections. "The commerce of Wilmington," he observes,

“was then increasing, and derived great benefit from a bounty on naval stores. Many of the families residing in it were proprietors of large estates, and all of them, in respectable stations, obtained a living without painful exertion. Every where on the eastern and western branches of Cape Fear river were men of fortune, for the most part either related to each other by blood, or connected by marriage, whose settlements extended almost as far as Fayetteville. This general ease and prosperity were highly favourable to an attention to letters, and to the development of certain talents. Emulation no doubt tended to keep alive this attention, and to awaken a spirit of competition for literary superiority throughout the community. Every family had a collection of the best English authors, besides which there was a public library, entitled “The Cape Fear Library.” Wit and humour, music and poetry were called forth in social and convivial intercourse. The talent for conversation was cultivated with great success—emanating from letters or from science, or rising out of the busy scenes of life, it was always either instructive or amusing. The actors in this scene were far above the ordinary cast. Among them were Eustace, the correspondent of Sterne, uniting wit and genius; Lloyd, gifted with a fine imagination and adorned with classical learning; Pennington, a scholar of elegant attainments and of polished wit; Maclaine, whose criticisms on Shakspeare would, if published, give him rank in the republic of letters; Nash, who afterwards fell at the battle of Germantown; Boyd, who possessed the rare art of telling a story with

spirit and grace, and whose elegiac numbers afforded a striking contrast to the gaiety of the scenes in which he figured; Moore, endued with a versatile intellect, and possessed of extensive and varied information—as a wit always prompt in reply—as an orator always ‘daring the mercy of chance’: Waddell, urbane and intelligent; Howe, whose imagination fascinated, whose repartee overpowered, and whose conversation was enlivened by strains of exquisite raillery; and Swann, whose venerable age and matured wisdom fitted him to preside over this association of information and talents. Mr. Hooper played his part among these personages, and shed a classic lustre over these select assemblies.”

His professional duties, Mr. Hooper continued to pursue with unabated and successful zeal. He soon held a high rank among the advocates of the province; and as early as 1768, when he was only twenty-six years of age, was spoken of as one of the leading members of the bar. He was engaged about this time in several public trials of considerable importance, which he conducted with great honour, as well as with much skill and address; and he established, as a professional man, a reputation which attended him to the termination of his life. By governor Tryon, as well as his successor, governor Martin, the presiding officers of the colony immediately preceding the revolution, he was treated with marked attention, and many efforts were made to conciliate his friendly feelings. From Howard, the chief justice, with whom his profession more immediately connected him, he received many marks of attention and kindness.

In the year 1770, Mr. Hooper took an active part in behalf of the government, against the insurgents who were known by the name of the Regulators. These insurgents, who had adopted this title lest they should be looked upon merely as an ordinary mob, were for the most part composed of the lowest classes of the people, and inhabited the remote and thinly settled parts of the province. Here, without the means of instruction, without knowledge of the laws, gaining a precarious subsistence, wild, poor and miserable, they became the ready instruments of men who were plausible and cunning enough to point out to them their wretchedness, and to promise them redress. They told them of large sums of money which had been lavished in erecting a palace for the governor; of heavy taxes which they were made yearly to pay, without receiving from their expenditure the slightest benefit; of enormous fees which were extorted by all the subordinate officers of the government; until from murmurs and complaints they led them by degrees to riot and rebellion. The first symptoms of a turbulent spirit had appeared in the northern counties of the province as early as 1766; and the discontented and factious at length proceeded to form themselves into regular associations, in which they bound themselves by oath to support the cause in which they were engaged. Relying on their united strength, and gaining courage from impunity, they proceeded to inflict summary justice on the objects of their peculiar vengeance. The judges were driven from the bench, the attorneys were struck down while in the performance of their public

duties, or dragged ignominiously through the streets; and the civil, even the military power were placed completely at defiance. Flushed with success, they soon forgot the original causes of complaint, and their leaders determined to turn to their own advantage the power they had obtained. At every meeting their demands and their violence increased. They gave full reign to every disordered passion; they drove their defenceless countrymen from their homes; and laid waste their property with fire and sword. In the midst of all this, their leaders avowed their true intentions; they acknowledged that their object was no longer a redress of grievances, but that it was to seize the reins of government, and acquire wealth by the profitable offices in its gift. Under these circumstances, the most patriotic citizens deemed it their duty to support the government, forgetting for the time the wrongs which they had received from it. Among these was Mr. Hooper: he advised a resort at once to decisive measures, as the only means by which the country could be saved from anarchy. His advice was taken, the militia of the province were called out, and after a severe battle, the rioters, who had assembled to the number of three thousand, were defeated and tranquillity restored.

In the year 1773, Mr. Hooper, who had been a permanent inhabitant of the province scarcely six years, was chosen to represent the town of Wilmington, in which he resided, in the general assembly. In 1774, he was again sent to the same body, from the county of New Hanover. Here it soon became his duty to oppose one

of those arbitrary acts of the British government, of which so many are found in the history of every state. It is indeed a mistake to suppose, that the aggressions of the mother country were confined solely to those general acts which were directed at once against all her colonies on this continent. On the contrary, a slight investigation of their respective annals will show that scarcely any one was exempt from a thousand acts of petty oppression, exercised either by the government at home, the proprietary administration, or the subordinate agents. A constant repetition of these had spread a general feeling of indignation throughout the country, and when those bold acts were attempted which were calculated to involve the whole in indiscriminate subjection, each was ready to join and support the other, from the vivid recollection of individual wrongs.

In the year 1773, the laws regulating courts of justice in the province were about to expire, and it became necessary to revive their provisions by a new enactment. The British party, taking advantage of the occasion, introduced a clause in the new bill, the object of which was to screen from the attachment to which they had hitherto been liable, any property in North Carolina which belonged to persons who did not reside within the state. This bill received the approbation of the governor and senate, but when it was presented to the house of representatives, it met with strong and determined opposition. In the debate, which was long and obstinate, Mr. Hooper took the lead. He urged the injustice of depriving a province whose commerce was

already considerable and rapidly increasing, of the only means they possessed to recover from foreign debtors their just claims. That it was a privilege exercised by many if not all the sister colonies; and that as he could discover nothing in the constitution of his own, which could warrant so injurious a distinction, it would be unjust to their constituents and dishonourable to themselves to assent to it. That the offer of the governor to modify the clause, so that attachments should be allowed, provided they were 'according to the laws and statutes of England,' was an insidious subterfuge; because by those laws and statutes no provision whatever was made for attachments; because they there existed solely by local custom, which would prevent their application to this province even if they should be so allowed; and because to secure a privilege so important, the mode of obtaining it should be grounded on certainty—the law positive and express—and nothing left to the exercise of doubt or discretion.

Nor did Mr. Hooper confine his efforts to the chamber in which the question was debated. He endeavoured to spread throughout the colony a full knowledge of the question, in which he justly deemed many of their dearest rights were deeply involved. He published a series of essays under the signature of Hampden, and thus prepared the people at large for these changes, which he now perceived to be inevitable.

Personally to Mr. Hooper, nothing could be more injurious than the course which he had chosen. The measures which were pursued, chiefly by his energetic

efforts, ended in leaving the province, for more than twelve months, without any court of law. He thus lost the means on which he depended for support, at an age too, and under circumstances when he could sustain with difficulty such a deprivation. In all his conduct however, there appears to have been perfect disinterestedness. On various occasions in the legislature, he advocated measures of decision, which could not fail seriously to exasperate those in power. He was placed by common consent, at the head of those who were most conspicuous in their opposition to the arbitrary acts of the British government. It is indeed a subject of no small surprise, that among such men, most of whom were natives of the province, and possessed of great weight, at once from years, from fortune and from family, Mr. Hooper at an early age, with small estate, with few connexions and those few without any great influence should have been chosen for the most important trusts. Perhaps it may be attributed to the comprehensiveness of his views, to his uncommon ardour, to his ready eloquence and above all to the extraordinary activity and perseverance of his exertions.

He was now destined however to support his country in a more conspicuous scene. On the twenty-fifth of August, 1774, a general meeting of deputies of the inhabitants of the province, was held at Newbern. They there passed a resolution approving the proposal of a general congress to be held at Philadelphia, and elected Mr. Hooper, the first delegate to that assembly. They pledged themselves to support the acts of their dele-

gates, and declared them to be binding in honour, upon every inhabitant of the province, who was not alien to his country's good and an apostate to the liberties of America.

With these credentials Mr. Hooper took his seat in congress on the twelfth of September, 1774, and was immediately placed on two important committees, that which had been formed to draw up a statement of the rights of the colonies in general, the several instances in which those rights had been violated and infringed, and the means most proper to be pursued for obtaining a restoration of them; and that which was appointed to examine and report the several state laws which affect the trade and manufactures of the colonies. From the secrecy with which it was deemed indispensable to invest the proceedings of the revolutionary congress, we are deprived of all minute knowledge of their most important transactions, and we have but slight means of judging the character and influence of individual members. The subjects however, embraced in the powers of these two committees, could have been trusted to none but the ablest men. They were the foundation on which all the proceedings of the new government were to rest, they were to mark out the course to be pursued, while the ground was yet untrodden, and every thing obscured by doubt and difficulty.

It is not improbable that it was on some matter connected with these subjects, that Mr. Hooper first addressed the assembly in which he sat. He is said to have occupied their attention about half an hour, and to

have been listened to with the most profound silence. The eulogium was however qualified with the remark, that the house was astonished at the exhibition of so much eloquence, by a delegate from North Carolina.

On the fifth of April 1775, Mr. Hooper was again elected a delegate to serve in the second general congress, which met at Philadelphia in the month of May of that year. Soon after taking his seat, he was selected as the chairman of a committee, which was appointed to draught an address to the inhabitants of Jamaica. In this he asserted in strong language, the deliberate intention of the British government for many years past to destroy in every part of the empire, the free constitution which it had so long enjoyed. That with a dexterity artful and wicked, they had varied the modes of attack according to the different characters and circumstances of those whom they meant to reduce. In the East Indies, scarcely veiling their tyranny under the thinnest disguise; but wantonly sacrificing the lives of millions to gratify their avarice and power. In Britain, where the maxims at least of freedom were known, employing the secret arts of corruption. In America, too resolute for the employment of open force, and as yet too pure for corruption, forming plausible systems, making specious pretences, and trying by all the arts of sophistry to prove their right to enslave. These principles they afterwards attempted to enforce by the hand of power. The power and the cunning however of our adversaries, he adds, were alike unsuccessful. We refused to their parliaments an obedience which our judgments disapproved

of: we refused to their armies a submission, which spirits unaccustomed to slavery could not brook. He then states the successive measures which had been tried in vain; the prayers which had been rejected; the remonstrances which had been disregarded; and the only remedy which had been left—the sacrifice of commerce for the preservation of liberty. He regrets the hard necessity which compelled the extension of this system to the West Indies; while he expresses the belief of congress, that no apology is necessary to the patriotic assembly of Jamaica, who know so well the value of liberty; who are so sensible of the extreme danger to which ours is exposed; and who must foresee that the destruction of ours will be followed by the destruction of their own. He concludes in the following bold and animating language, which shows how far, at that period, the delegates had determined to carry their resistance.

“That our petitions have been treated with disdain, is now become the smallest part of our complaint: ministerial insolence is lost in ministerial barbarity. It has, by an exertion peculiarly ingenious, procured those very measures, which it laid us under the hard necessity of pursuing, to be stigmatized in parliament as rebellious: it has employed additional fleets and armies for the infamous purpose of compelling us to abandon them: it has plunged us in all the horrors and calamities of civil war: it has caused the treasure and blood of Britons (formerly shed and expended for far other ends) to be spilt and wasted in the execrable design, of spreading slavery over

British America: it will not, however, accomplish its aim: in the worst of contingencies, a choice will still be left, which it never can prevent us from making."

On the twelfth June, Mr. Hooper brought in a resolution recommending the observance of the twentieth of July as a day of public humiliation fasting and prayer. "It is at all times," he observed, "our indispensable duty devoutly to acknowledge the superintending providence of the great governor of the world, especially in times of impending danger and public calamity, to reverence and adore his immutable justice, as well as to implore his merciful interposition for our deliverance."

During the remainder of the year 1775, Mr. Hooper's name appears frequently on the journals of congress, as a member of various committees, some involving measures of the deepest interest, and associated on them with Jefferson, Franklin, Adams and other leading members of the house. So meagre however, are the notices which these volumes afford, that we look in vain for any thing which can illustrate the measures they advised, and frequently have no record of the measures themselves.

He was associated with Dr. Franklin and Mr. Livingston, in January, 1776, on a committee to consider a proper method of paying a just tribute of gratitude to the memory of general Montgomery, who had lately fallen with so much glory beneath the walls of Quebec. In reporting to congress on the subject, they remarked that it was not only a tribute of gratitude justly due to the memory of those who had peculiarly distinguished

themselves in the glorious cause of liberty, to perpetuate their names by the most durable monuments erected to their honour, but that it was also greatly conducive to inspire posterity with an emulation of their illustrious actions. They therefore recommended the erection of a monument to his memory, to express the veneration of the United Colonies; and to transmit to future ages as examples truly worthy of imitation, his patriotism, conduct, boldness of enterprise, insuperable perseverance and contempt of danger and death. Their recommendation was not disregarded. A monument was erected by congress in the city of New York.

During a considerable part of the spring of 1776, Mr. Hooper was obliged to be absent from congress, by the public and private business which required his attention in North Carolina. He took a prominent part while there in several important political measures. He distinguished himself greatly as a speaker, in the conventions which were held at Hillsborough and Halifax; and the eloquent address to the inhabitants of the British empire which emanated from the former, was the production exclusively of his pen.

In the summer he returned to his post, and on the fourth of July gave his vote with his colleagues for the declaration of independence. During the remainder of the year, he is found in active service—he was placed on the committee for regulating the post office and on those of the treasury, secret correspondence, appeals from the admiralty courts, and the laws relative to cap-

tures; situations requiring extreme prudence, industry, and judgment.

On the twentieth December, 1776, Mr. Hooper was a third time elected a delegate to congress; but so great was the derangement of his private affairs, from the situation of the country and the neglect to which they were exposed from his public occupations, that he found it impossible longer to absent himself from Carolina. On the fourth of February, 1777, he obtained leave of congress to return home, and shortly after resigned his seat entirely.

On his return to Carolina, Mr. Hooper exerted himself with new zeal, in the support of the revolutionary cause. He was a prominent leader in all the great public measures which were demanded by the exigency of the times. On the most trying occasions the loftiness and elasticity of his spirit were manifest and striking. Events which cast a gloom over the minds of many of his most patriotic coadjutors, had no effect in damping his ardour or depressing his hopes. The disastrous issue of the battle of Germantown, which spread consternation among the friends of liberty, only gave fresh animation to his zeal. When the report of that event reached Wilmington, he was surrounded by a party of his friends, who were overwhelmed with dismay at the unfortunate intelligence; "We have been disappointed," he exclaimed with great animation and starting from his seat, "We have been disappointed!—but no matter; now that we have become the assailants there can be no doubt of the issue."

About this time he removed with his family from the town of Wilmington, to a plantation which belonged to him about eight miles distant, on Masonsborough sound. This place however, he was soon after obliged to leave, on account of the aggressions of the enemy. It will be readily supposed that the very prominent part he had taken in the revolutionary measures of his own province, and afterwards in those of the colonies in general, had rendered him notorious, and peculiarly obnoxious to the partisans of the British government. Soon after his election to congress, and while absent on his public duties, the captain of a sloop of war, lying in Cape Fear river, had descended to the unworthy vengeance of firing upon a house belonging to him, which was situated on the shore of that river, about three miles from Wilmington. On his return from congress, these outrages assumed a character still more personal. A major Craig, having under his command a considerable force, arrived in Cape Fear river, and compelled Mr. Hooper to seek his immediate safety, by taking refuge in the interior country. His family he removed to Wilmington, preferring to cast them on the humanity of an open enemy, rather than expose them to the perils of a predatory warfare. Uncertain of the issue of the measures which he had advocated, but yet pursuing them with unabated zeal, he was well aware of the danger to which he would be exposed by any reverse of fortune. He therefore made an arrangement for seeking a refuge in one of the French West India islands, should success finally attend the British arms; and it is said that a similar plan had

been concerted by all the members of congress, with the French minister. In November, 1781, Wilmington was evacuated by the enemy, and Mr. Hooper returned to it, with his family. Shortly afterwards he removed to Hillsborough.

On the twenty-second September, 1786, he was appointed by congress, one of the judges of a federal court, formed according to the articles of confederation, to determine a controversy which had arisen between the states of Massachusetts and New York, relative to a territory, which was claimed by each state as within its boundaries. The points involved in this controversy, were of extreme importance, and affected to a large extent, the territorial rights of both states. In asserting these rights each had already acted with considerable warmth; and the court had a question of extreme delicacy, as well as difficulty to settle. This was however obviated, by an arrangement between the states. On the sixteenth of December, commissioners appointed by the respective parties, met at the city of Hartford in the state of Connecticut, and an agreement was entered into between them, by which their disputes were settled without appealing to the doubtful authority, which had been recognized as binding by the articles of confederation.

In the year 1787, the health of Mr. Hooper, whose constitution was always delicate, had become considerably impaired. He had continued, however, to hold a distinguished rank in the councils of the state, and to maintain a very high station at the bar. Speaking of him

about this period, the late judge Iredell remarked, that his latest exertions were in every respect equal to those of his earlier days. He now began, however, gradually to relax his public and professional exertions, and in a short time withdrew entirely from active life. His retirement at the time, was the subject of much speculation. By many it was attributed to the state of his health; by others it was believed that some disgust, arising from the legislative measures of the state, had mingled with his more private reasons, and led to this decisive step. He was probably actuated by a variety of motives; and personal feelings had no doubt much influence on his decision. He was mortified, probably, by finding himself in collision with some of his compatriots and best friends. This was especially the case in the proceedings which were adopted, after the ratification of the treaty of peace, with regard to the British loyalists. Those who were desirous to shield them from what they deemed unreasonable persecution, pursued their measures without address, and rushed into the opposite extreme. With them Mr. Hooper coincided in the strongest sentiments of justice and humanity, but he refused to concur with them in the measures they adopted to attain their ends. He justly conceived that at a period when the public mind was so strongly excited, great circumspection should be used; and this he thought the more necessary on his part, because most of his family had been attached and were connected with the royal cause. Sensible that his situation required him to be above suspicion, he suppressed many of the warmest feelings of

his heart ; and he had at least the gratification to find, that at no period was the sincerity of his zeal or the purity of his principles, in the least degree impeached.

The few years that he lived after his retirement were spent in domestic enjoyment, for which he was better fitted by his temper, his sensibilities and his health, than for the fatiguing anxieties of public life. He died at Hillsborough, in the month of October, 1790, at the early age of forty-eight years, leaving a widow, two sons and a daughter, the last of whom alone survives. Of his descendants, there are still living three children of his eldest son William ; viz. William, professor of logic and rhetoric in the University of North Carolina ; Thomas, a lawyer ; and James, a merchant ; the two last, residents of Fayetteville.

From the preceding sketch, which embraces, it is believed, most of the prominent incidents in the life of Mr. Hooper, a general idea of his character may be formed. It may not, however, be uninteresting to add, in the closing pages of this memoir, such a general notice of his person, manners and attainments, as we have been able to procure from those whose opportunities for information have been more extensive. From these sources we learn, that in person he was of the middle stature, delicate and well formed. His countenance was pleasing, and full of intelligence. His manners were polite and engaging, though among those with whom he was not intimate, rather reserved : among his friends they were cordial and remarkably sincere and

unaffected. His powers of conversation were very conspicuous: great attention had been paid to them originally by his father, and he himself continued to cultivate them with success: he was always frank, and frequently sarcastic and severe. In his habits, he was hospitable even to excess: and in his domestic relations, affectionate and indulgent: his failings—and who is without them—were at least not such as affected the morality of his private or the integrity of his public conduct.

As a literary man, his reputation was considerable. This is evinced by the selection which was always made of his pen, in the public proceedings of importance that were agitated in his neighbourhood; especially as there were several men of no mean literary reputation residing at that time in or near Wilmington. The letters of Hampden might have afforded us an example, had they not perished with the fugitive productions of the day. As a letter writer, much praise has been bestowed on his efforts of a more public character: but his familiar correspondence is said to be deficient in simplicity and ease.

As a lawyer, his success at the bar, especially when the circumstances of his emigration are recollected, was extremely flattering: and he is said to have merited it by the propriety of his professional conduct. In this he was always honourable and candid: he was free from envy: and ever anxious to aid the efforts of rising industry or genius.

As a politician, the best monument to his fame is in

the facts and incidents of his public career. His penetration into character was remarkable; and is proved in the selection of his friends—from whom, it is said, he experienced in every instance, that warm reciprocal attachment which was due to his judgment, his ardour and his constancy. By these means, in moments of great political difficulty and danger, he united around him a force of talent and character, eminently serviceable in promoting and supporting his patriotic designs. These designs were uniformly stamped with the manliness and the energy which marked his character. The champion of that illustrious band, which in North Carolina first opposed the encroachments of arbitrary power, all his actions were founded on principles as correct as his motives were disinterested and pure. When he engaged in revolutionary measures, he was fully aware of the dangers to which he exposed his person and estate; yet in spite of untoward events, his enthusiasm never abated, his firmness never forsook him. In times the most disastrous he never desponded, but maintained the ground he had assumed with increased intrepidity.



JAMES SMITH.

VOL. VII.—Z



SMITH.

JAMES SMITH, of York county, in Pennsylvania, was perhaps the most eccentric in character among all those illustrious men that had the happiness to affix their names to the glorious Declaration of Independence.

Ireland may claim the honour of being his native land; and he retained to the latest hours of a protracted life, that openness of heart and raciness of humour, for which Irishmen are often remarkable, united with the regular industry and steady virtues that were improved if not implanted by his American education.

The date of his birth has not been ascertained; it was a secret which he carried with him to the grave, an invincible reluctance to reveal his age, even to his nearest relatives or most confidential friends, being one of his peculiarities which remained after he had long survived the period when vanity or interest could possibly supply a motive for such concealment.

It was believed by some members of his family that he was born in the year seventeen hundred and thirteen, while others would place that event eight or nine years later;—the truth probably lay between these two conjectures.

At the age of ten or twelve he came to this country with his father, a respectable farmer, who brought with

him a numerous offspring to find settlements in the new world. The family adopted a residence on the west side of the Susquehannah, where the father, after seeing his surviving children well provided for, breathed his last in the year 1761, leaving behind a well deserved reputation for benevolence and honesty.

James Smith, the subject of our present notice, was the second son, and was placed for education under the immediate care of the celebrated Dr. Allison, provost of the college at Philadelphia, by whose instructions he so far profited as to acquire a respectable knowledge of the Greek and Latin languages, and a taste for classical allusion that endured to the termination of his life.

He also became skilful in surveying, an art of peculiar usefulness and dignity at that early period, when enterprise and capital were so generally directed to the purchase of lands, and when no man without some proficiency in the use of the compass and chain, could ascertain his own or his neighbour's boundaries.

With these preparatory accomplishments he applied himself to the study of the law, either in the office of Thomas Cookson, or of his elder brother, who had become a practising lawyer in the town of Lancaster but died in early manhood, when James had scarcely completed his pupillage.

It is believed that he did not attempt to practise his profession at Lancaster; but immediately after his brother's death removed far into the woods, and established himself, in the blended character of a lawyer and surveyor, in the vicinity of the present site of Shippensburg.

The propensity to buy wild lands as a matter of speculation, and the inaccurate surveys frequently made for distant purchasers, had already begun to operate as the sources of abundant litigation in Pennsylvania, and supplied Mr. Smith with very active occupation at this early period, as they continued to do until he finally relinquished the profession, after an industrious and able exercise of it during nearly sixty years.

After a few years passed in this remote situation, he took up his abode in the flourishing village of York, where he continued to reside all the rest of his life; and he practised his profession there with great credit and profit; and under circumstances peculiarly favourable to tranquillity and comfort, for he was, during many years, the only lawyer at the place.

It was in this prosperous condition of his fortunes he married Miss Eleanor Armor, of New Castle; and he continued to be the sole practitioner of the law residing at York, although Jasper Yeates, afterwards the distinguished judge of the Supreme Court of Pennsylvania, and other young men, attended the courts there, as Mr. Smith did those of the neighbouring counties.

In the year 1769, Mr. Hartley, afterwards a colonel in the revolutionary army, made the second lawyer at York; but Mr. Smith retained his position at the head of the bar, and continued a career of uninterrupted professional assiduity and success, up to the commencement of the war.

During this period of his life, he was quite as much distinguished for his powers of entertainment, his drol-

lery, his humorous stories, and his love of conviviality, as for his talents and success in the practice of the law.

His memory was remarkably retentive of anecdotes, and his perception of the ridiculous quick and unerring. With these powers, a well regulated temper and great benevolence, it is not to be wondered at that he should have been the delight of the social circle, should have inclined to the company of younger persons, and should frequently have set the court house as well as the tavern bar room in a roar of laughter.

Yet though he loved wine, and drank much of it, he was never known to be intoxicated ; and though he was often the cause of most obstreperous mirth, he always maintained the dignity of his own character.

It is to be remembered, to his honour, that even in the midst of his most extravagant sallies, he never uttered nor permitted in his presence, a jest which was aimed at religion or its ministers. He was indeed a communicant, and regularly attended the church in the morning of every Sabbath ; but could with difficulty be persuaded to go in the afternoon, being accustomed to say, in his manner, which is described as irresistibly comic, that a second sermon in the same day always put the first one entirely out of his head. Few of his witticisms have been remembered ; indeed his facetiousness seems to have depended entirely on the manner and accompanying circumstances. A gentleman who passed a part of the year 1773, in York, thus describes his peculiar humour : “ The most trivial incident from his mouth, was stamped with his originality ; and in relating one even-

ing how he had been disturbed in his office by a cow, he gave inconceivable zest to his narration, by his manner of telling how she thrust her nose into the door and there *roared like a Numidian lion*. With a sufficiency of various reading to furnish him with materials for ridiculous allusions and incongruous combinations, he was never so successful as when he could find a learned pedant to play upon; and judge Stedman, when mellow, was best calculated for his butt: the judge was a Scotchman, a man of reading and erudition, though extremely majesterial and dogmatical in his cups. This it was which gave point to the humour of Smith, who, as if desirous of coming in for his share of the glory, while Stedman was in full display of his historical knowledge, never failed to set him raving by some monstrous anachronism; such, for instance, as, "Don't you remember, Mr. Stedman, that terrible bloody battle which Alexander the Great fought with the Russians near the straits of Babelmandel?" "What, sir," said Stedman, repeating with ineffable contempt, "which Alexander the Great fought with the Russians! where, mon, did you get your chronology?" "I think you will find it recorded, Mr. Stedman, in Thucydides or Herodotus." On another occasion, being asked for his authority for some enormous assertion, in which both space and time were fairly annihilated, with unshaken gravity he replied, "I am pretty sure I have seen an account of it, Mr. Stedman, in a High Dutch almanack, printed at *Aleppo*," his drawling way of pronouncing Aleppo. While every one at table was holding his sides at the

expense of the judge, he on his part had no doubt that Smith was the object of the laughter, as he was of his own unutterable disdain."

But a time was approaching when distinction was to be acquired, and eminence maintained, by the exercise of other talents than those which were fitted to enliven a convivial party. The clouds of war already lowered on the horizon; and every prominent man was obliged to take his part in the momentous struggle.

When in the spring of the year 1774, intelligence was received of the enactment of the bill closing the port of Boston, the disputes between the colonies and the mother country began to be seen and understood in their true light, as irreconcilable without concessions not likely to be made on either side, and tending manifestly to a desperate and bloody contest.

The prophetic forebodings of Josiah Quincy, uttered on a preceding occasion, had rung through the land like the sound of an alarm bell. "We must be grossly ignorant," this eloquent patriot had said, "of the importance and value of the prize for which we contend; we must be equally ignorant of the power of those who have combined against us; we must be blind to that malice, inveteracy and insatiable revenge, which actuate our enemies, public and private, abroad and in our bosom, to hope that we shall end this controversy without the sharpest, sharpest conflicts, . . . to flatter ourselves that popular resolves, popular harangues, popular acclamations, and popular vapour will vanquish our foes. Let us consider the issue. Let us look to the end. Let us

weigh and consider before we advance to those measures which must bring on the most trying and terrible struggle this country ever saw."

These words had been repeated widely through the colonies and to all reflecting minds the same thoughts were now suggested by this vindictive act of parliament. The Virginia legislature appointed the first of June, the day when the Boston port bill was to go into operation, to be set apart for fasting, prayer and humiliation, "to implore the divine interposition to avert the heavy calamity which threatened destruction to their civil rights, and the evil of a civil war; and to give one heart and one mind to the people, firmly to oppose every invasion of their liberties."

This example was generally followed and the first day of June was devoted, not to a mere heartless observance of a prescribed solemnity, but in sincerity and sober apprehension, to a serious cultivation of religious and patriotic resolutions.

Mr. Smith was now at an age when the liability to be carried away by thoughtless ardour and enthusiasm was past. Between fifty and sixty years old, he might well have pleaded his fulness of days as an excuse for avoiding all active participation in the contest. In the successful practice of the legal profession, possessed of considerable property, and engaged in extensive iron-works on the Codorus creek, he had nothing to gain by devoting himself to public employments, and every thing to lose if the efforts of the resisting, though not yet rebellious, colonists should be defeated.

But the calls of patriotism prevailed with him, over the dictates of prudence or selfishness; he did "look to the end," he "weighed and considered," and having taken his part on the side of liberty and his country, he gave himself up to the most active exertions in the cause.

Two measures of defence and protection had been suggested and recommended by various public meetings in Boston and elsewhere, and now occupied much attention; these were an agreement to abstain from importing any goods from England, a plan evidently very difficult of complete execution; and the assembling of a general congress for the purpose of deliberating upon some common scheme of action to be recommended to the colonies.

In Pennsylvania there was a meeting of delegates from all the counties with a view to collect and express the public sentiments on these subjects, and on the condition of public affairs generally, in the form of instructions to the general assembly. This meeting, called the "Committee for the Province of Pennsylvania," was composed entirely of men of great distinction in the colony, and among them James Smith took his seat as one of three delegates from the county of York, and was appointed one of the committee to prepare and bring in a draught of instructions.

The instructions reported and adopted comprised an elaborate and very able argument upon the constitutional powers of parliament, ascribed to Mr. Dickenson; which was however, separated from the instructions and

afterwards published as an "essay" accompanied with learned notes, displaying remarkable research and erudition.

The resolutions passed at this meeting of delegates representing the qualified voters of all the counties in Pennsylvania, as well as the language held by them to the general assembly whom they were to counsel and instruct, exhibit the same remarkable union, apparent in most of the public proceedings at this period, of honest unshaken attachment to the king and to the people of England, with the clearest understanding of their constitutional rights and the most established determination to preserve them at every hazard.* When had king such subjects? When was faithful loyalty so discouraged? "Our judgments," they declared, "and affections attach us with inviolable loyalty to his majesty's person, family and government;" and further they resolved that an unconstitutional independence on the parent state was utterly abhorrent to their principles. But they declared also in reference to the power claimed by parliament, "of right to bind the people of these colonies in all cases whatsoever," that the wit of man could not possibly form a more clear, concise and comprehensive definition and sentence of slavery than those expressions contain.

The instructions to the general assembly recommend the appointment of a proper number of persons to attend a congress of deputies from the several colonies, and as

* See the Appendix.

to the non-importation agreement they object that it would be injurious to great numbers of their fellow subjects at *home*, for whom they had been taught to entertain tender and brotherly affections, and that it would be disrespectful towards his majesty's government. They request, however, that if congress should determine on such a measure, the deputies to be appointed by the assembly, might be told to cause it to be permanent and binding upon all; and they desire that persons should be appointed and sent *home* with a representation of the grievances of the colonies.

As the whole tenor of the "instructions" is pacific and conciliatory, there is no mention of armed resistance, except in the hint that if Britain shall continue to persevere in her pretensions, "either the colonists will sink from the rank of freemen into the class of slaves, or if they have strength and virtue enough to exert themselves in striving to avoid this perdition, they must be involved in an *opposition dreadful even in contemplation.*"

It may be inferred that Mr. Smith was either less disposed than a majority of the committee to entertain "tender and brotherly affection" for his fellow subjects in England, and less reluctant to adopt a measure implying "disrespect to his majesty's government," or that he had a more distinct anticipation of a resort to the logic of the bayonet than the committee were willing to avow; since he employed himself on his return to York in raising and drilling a volunteer company, of which he was elected the captain.

This was the first corps of volunteer soldiers organized in Pennsylvania, with a view to oppose the armies of great Britain, and Mr. Smith was entitled to great praise for this practical and efficient exercise of patriotism, by which at a very early period of the contest, indeed several months before the first shedding of blood at Lexington, he set an example of so salutary a character.

Neither his age nor his previous studies or habits fitted him particularly for military life; his object was gained when he saw corps after corps organized in emulation of his own, until the volunteer force of Pennsylvania became effective and respectable. When his company had increased to a regiment he accepted the honorary title of their colonel, leaving to younger men the duty and honour of the actual command.

While Mr. Smith was thus occupied at home, the first congress was held at Philadelphia; and the eloquent remonstrances which they addressed to the people and the king of Great Britain, if ineffectual as to their professed object, were yet most affecting and powerful appeals to the hearts of the Americans; and if they did not serve to weaken the general attachment to the royal government and British nation, at least confirmed the general resolution to sacrifice all selfish considerations and maintain their rights even at the price of war.

It was in this improved tone of public feeling that the "convention for the province of Pennsylvania" met, in January, 1775.

Of this convention Mr. Smith was a member, and joined in the resolutions approving of the conduct of the

continental congress, and promising to aid in carrying into effect the non-importation agreement entered into and recommended by that body. He also concurred in the spirited declaration that "if the British administration should determine by force to effect a submission to the late arbitrary acts of the British parliament, in such a situation we hold it our indispensable duty to resist such force, and at every hazard to defend the rights and liberties of America."

It may be remarked too, as an indication of some change in the prevailing sentiment, that there is not in these resolutions any profession of attachment to the king or royal family.

The design to break off all political connexion with Great Britain had not however yet been avowed in any public proceeding, and was not by any means generally entertained. But it could not but be present to the minds of all men as a possible contingency, and much more was meant than met the ear in the moderate and guarded language of congress and other public bodies, when a determination to defend and maintain American liberty was distinctly declared.

While the long cherished sentiments of affection towards the king and respect for the royal government were daily weakened by fresh proofs of a determined spirit of tyranny on the part of the British rulers: efforts were made on the other hand to discountenance the proceedings of congress, and to prevent the sober minded people of Pennsylvania from being carried away by the contagious enthusiasm for liberty.

At the very time that the convention at Philadelphia were recommending the resistance of force by force, another assembly held in the same town and possessing perhaps equal influence was engaged in the endeavour to counteract their schemes.

A meeting of the people called Quakers residing in Pennsylvania and New Jersey, held by delegates regularly appointed to represent them, formed this anti-revolutionary congress, which met in the month of January, 1775; and the Testimony or address which they published called upon all the members of that powerful and numerous society, in the two colonies, to unite in abhorrence of all such writings and measures as evidenced a desire or design to break off the happy connexion of the colonies with the mother country, or to interrupt their just subordination to the king.

It is impossible to say what effect this effort and others made at the same time, to damp the patriotic spirit of the colonies, might have had on the deliberations of the new congress, which assembled in May of the same year, if the sword had not in the mean time been actually drawn, and the bloody affair at Lexington had not occurred just in season to rouse the indignation of even the peaceful Pennsylvanians, and loyal inhabitants of New-York, and commit the colonies irretrievably to the prosecution of hostilities.

The Quaker Testimony certainly had no effect on Mr. Smith; he was rising at this time in the military line and had attained to the dignity of colonel, but was not chosen a member of the congress, the appointments for which

had been made before the skirmish at Lexington had given so decided and warlike a character to the disputes.

Indeed, colonel Smith was at this time an *ultra* in whiggism,—republicanism had not then begun to be avowed. He was half a year at least in advance of the greater part of his “fellow-subjects” of Pennsylvania, and not at all the sort of man the general assembly were disposed to entrust with the important and delicate task of “establishing that union and harmony between Great Britain and the colonies, which is indispensably necessary to the welfare and happiness of both.”

Such were the expressed objects of the assembly in appointing deputies to represent the colony in congress;—objects, the successful pursuit of which seemed to require the exertions of the most moderate among the whigs, aided perhaps by the counsels of the most intelligent among the tories.

Such a selection, therefore, was made when the deputies to this congress were to be appointed, that it happened in the following year to be extremely difficult to obtain the vote of this colony in favour of independence; and it became necessary for the influential patriots to exert their energies with unceasing effort, in order to bring the force of public opinion to bear upon the general assembly, so as to stimulate that too pacific body, as well as some of their representatives in the continental congress, into a course conformable to the desires of the friends of liberty.

Notwithstanding the spirited measures adopted by the congress during the summer, in the organization of a

continental army, and the appointment of Washington to the command of all the continental forces, “raised or to be raised, for the defence of American liberty;” and notwithstanding too the excitement produced by the recent tragedy at Lexington—the battle of Bunker’s hill, the destruction of Falmouth, the capture of Ticonderoga and Crown Point, and the brilliant career of Montgomery in Canada,—still a final separation from Great Britain was by no means generally looked to as an inevitable or desirable termination of the contest.

Affairs were manifestly tending to a crisis, which could only leave unconditional submission as the alternative of independence, yet the word that was in every one’s mind seemed too portentous to be openly expressed; and in the province of Pennsylvania, the state of the public mind on this subject might have remained longer a matter of conjecture, if the opponents of separation had not chosen to bring it to a decisive test.

In November, 1775, the general assembly made a re-appointment of their delegates, with the addition of three new members; instructing them, however, that “though the oppressive measures of the British parliament and administration have compelled us to resist their violence by force of arms; yet we strictly enjoin you, that you, in behalf of this colony, dissent from and utterly reject any proposition, should such be made, that may cause or lead to a separation from our mother country, or a change of this form of government.”

This decided stand against independence, assumed by so respectable an assembly, roused its friends to immedi-

ate and active exertions; and among them, colonel Smith was not the least zealous and efficient. The general assembly was assailed with petitions and remonstrances, calling for a revocation of their instructions, which were denounced as contrary to the wishes of the people, and calculated to separate Pennsylvania from the other colonies, which had not trammelled their delegates with any such limitation of their discretionary powers. These applications were entirely unavailing; and the assembly,—encouraged, perhaps, by the conduct of the Maryland convention, who declared early in December, that they were not and never had been desirous of independence,—refused positively to rescind the instructions.

It was plain that if this example were generally adopted by the colonies, and the delegates in congress should act in obedience to these views, the contest must become at once hopeless, and entire submission to the British power must speedily follow.

The advocates of independence in Pennsylvania, had now an arduous task to perform, but they persevered against every discouragement. Early in the year 1776, the Quaker Testimony was renewed against the war, and the assembly of South Carolina, declared in an address to governor Rutledge, that they still desired an accommodation with the royal government.

The attitudes thus assumed by the colonies of South Carolina, Maryland and Pennsylvania, were extremely disheartening to the friends of liberty; but colonel Smith and the patriots with whom he acted, very soon had the

satisfaction to learn that North Carolina had expressly empowered her delegates to concur in a declaration of independence, and that Massachusetts had resolved that the inhabitants of that colony would support with their lives and fortunes such a measure, if congress should think fit to adopt it.

Accordingly congress did on the fifteenth of May, adopt a resolution which was in spirit, though not in terms, a declaration of independence. Previous to this time all the public acts of that body had recognized the king as entitled to entire respect and loyalty, but directed their complaints and menaces solely against the ministry and the parliament. But now, for the first time, war was openly declared against the king, and all ideas of reconciliation were publicly disclaimed.

This important resolution after reciting the acts of tyranny committed and meditated by "his Britannic majesty," declares that it appeared "absolutely irreconcilable to reason and good conscience, for the people of these colonies now to take the oaths and affirmations necessary for the support of any government *under the crown of Great Britain*; and it is necessary that the exercise of every kind of authority under the said crown should be totally suppressed, and all power of government exerted under the *power of the people of these colonies*," &c.

The resolution concludes with a recommendation to the several colonies to "adopt such governments as shall in the opinion of the representatives of the people best

conduce to the happiness and safety of their constituents in particular and America in general.”

This decisive measure removed the difficulties which had embarrassed the course of the whigs in Pennsylvania. The government of the colony being in the hands of the General Assembly, they had been left with no other resource than to excite such an universal enthusiasm in favour of liberty as might induce the assembly to change their vote, and in the mean time they had the mortification to see the conventions of North Carolina and Massachusetts outstripping in the race of patriotism and courage, the very colony within whose limits the congress was sitting, and that colony indeed not only backward in the cause, but pledged by her constituted authorities against emancipation.

But a way was now opened for them to proceed unshackled by such pledge,—an opportunity was given for creating a power paramount to the general assembly, competent to supersede its acts, and to place Pennsylvania in the attitude which it behoved her to assume.

Accordingly, only five days after, a large meeting of the citizens of Philadelphia was held in front of the very building in which congress was deliberating on plans of resistance,—the resolution of the fifteenth of May was read and approved by hearty acclamations,—the instructions of the general assembly to the delegates in Congress were also read and as loudly condemned, and it was resolved to invite a provincial conference to meet with as little delay as was possible, for the purpose of

making arrangements for establishing a new government in Pennsylvania.

Of this conference of committees, which assembled at Carpenter's Hall in Philadelphia, on the eighteenth of June, colonel Smith was an active and distinguished member.

It is observable, that so much had the military spirit extended itself by this time, that of the ninety-six members, generally men of professional or agricultural pursuits, more than half bore the title of colonel, major, or captain.

The meeting was in fact composed entirely of decided whigs, and their proceedings were entirely harmonious; but a part of the necessity of their assembling had been obviated; the general assembly had given way to the force of public sentiment, and a few days before the meeting of the conference, had rescinded their obnoxious instructions. This vote was equivalent to an instruction or request that the delegates would vote for independence, and seems so to have been considered by the conference, who, in consequence, did not take any further step in that particular matter. The determination had indeed now become universal to adopt the measure when it should be proposed: the resolution of congress disclaiming the authority of the king had in effect left little more than a formality to be performed, in an actual declaration or manifesto; and the colony of Virginia had put an end to the possibility of much further doubt on the subject, by instructing her delegates to propose and advocate such a declaration.

It was with this knowledge that the question would shortly be tried in congress, the general assembly acted in the revocation of their former instructions ; and they appear to have been deeply impressed with the solemnity and importance of the sanction which they were giving to the cause. It is evident, indeed, that they reluctantly adopted the resolution which placed Pennsylvania on the side of the rebels ; and yielded to a necessity which they could not control.

“ When,” say they in their new directions to their delegates in congress, “ by our instructions of last November, we strictly enjoined you, in behalf of this colony, to dissent from and utterly reject any proposition, should such be made, that might cause or lead to a separation from Great Britain, or a change of the form of this government, our restrictions did not arise from any diffidence of your ability, prudence or integrity, but from an earnest desire to serve the good people of Pennsylvania with fidelity, in times so full of alarming dangers and perplexing difficulties. .

“ The situation of public affairs is since so greatly altered, that we now think ourselves justifiable in removing the restrictions laid upon you by those instructions.

“ The contempt with which the last petition of the honourable congress has been treated ; the late act of parliament, declaring the just resistance of the colonists against violences actually offered, to be rebellion ; excluding them from the protection of the crown, and even compelling some of them to bear arms against their countrymen ; the treaties of the king of Great Britain with

other princes for engaging foreign mercenaries, to aid the forces of that kingdom in their hostile enterprises against America; and his answer to the petition of the lord mayor, aldermen, and commons of the city of London, manifest such a determined and implacable resolution to effect the utter destruction of these colonies, that all hopes of a reconciliation, on reasonable terms, are extinguished. Nevertheless, it is our ardent desire that a civil war, with all its attending miseries, should be ended by a secure and honourable peace.

“We hereby authorize you to concur with the other delegates in congress, in forming such farther compacts between the United Colonies, concluding such treaties with foreign kingdoms and states, and in adopting such other measures as shall be judged necessary for promoting the liberty, safety and interests of America, reserving to the people of this colony the sole and exclusive right of regulating the internal police of the same.

“The happiness of these colonies has, during the whole course of this fatal controversy, been our first wish, their reconciliation with Great Britain our next. Ardently have we prayed for the accomplishment of both. But if we must renounce the one or the other, we humbly trust in the mercies of the Supreme Governor of the universe, that we shall not stand condemned before his throne, if our choice is determined by that overruling law of self preservation, which his divine wisdom has thought fit to implant in the hearts of his creatures.”

The resolution in favour of issuing a declaration of independence had been introduced in congress by Mr.

Lee of Virginia, on the seventh of June; it encountered serious opposition, to a greater degree than had been anticipated. The objections urged were not applied to the principle of the measure itself, but to its expediency just at that time; many of the members who were fully determined that such a declaration should be issued at a proper season, were still of opinion that greater preparations for war should first be made, as the immediate effect would be to stimulate the British government to more strenuous hostility.

Nor was this prudence confined to the members of congress; the Maryland convention had by a very recent vote, on the fifteenth of May, adhered to their resolution of the preceding December, against a separation from Great Britain; and the provincial congress of New York had returned a very cold and discouraging answer to an address of a committee of mechanics that had ventured to suggest the propriety of instructing the New York members to vote for independence.

In this state of things it was thought necessary for the conference to add the weight of their influence to the scale, and on the afternoon of Sunday, the twenty-third day of June, (for Sunday shone no Sabbath day to these indefatigable patriots,) a young man distinguished for his talents and his zeal in the cause of freedom, and who subsequently became one of the most distinguished ornaments of the American nation, proposed the appointment of a committee to draught a resolution "declaring the sense of the conference with respect to an indepen-

dence of this province from the crown and parliament of Great Britain."

The mover of this resolution was Dr. Benjamin Rush, and being seconded by colonel Smith, they were appointed, with the chairman, Thomas M'Kean, to compose the committee.

The next morning the committee met and prepared a declaration which was reported in the afternoon, read a first and second time by special order, unanimously approved, signed by all the members and ordered to be presented to congress the following day.

This spirited paper recites that George the third, in violation of the British constitution, and of the laws of justice and humanity, had by an accumulation of oppression unparalleled in history, excluded the inhabitants of this, with the other American colonies, from his protection; had paid no regard to "any of our numerous petitions for a redress of our complicated grievances, but hath lately purchased foreign troops to assist in enslaving us; and hath excited the savages of this country to carry on a war against us, as also the negroes to embrue their hands in the blood of their masters in a manner unpractised by civilized nations; and hath lately insulted our calamities by declaring that he will show us no mercy till he has reduced us. And whereas the obligations of allegiance (being reciprocal between a king and his subjects) are now dissolved on the side of the colonists, by the despotism of the said king, insomuch that it now appears that loyalty to him is treason against the good people of this country; and whereas not only

the parliament but, there is reason to believe, too many of the people of Great Britain have concurred in the arbitrary and unjust proceedings against us, and whereas the public virtue of this colony (so essential to its liberty and happiness) must be endangered by a future political union with, or dependence on, a crown and nation so lost to justice, patriotism and magnanimity." Therefore, the resolution proceeded to assert that "the deputies of Pennsylvania assembled in the conference unanimously declare their willingness to concur in a vote of the congress declaring the united colonies free and independent states: and that they call upon the nations of Europe, and appeal to the great Arbiter and Governor of the empires of the world to witness that this declaration did not originate in ambition, or in an impatience of lawful authority, but that they are driven to it in obedience to the first principles of nature, by the oppressions and cruelties of the aforesaid king and parliament of Great Britain, as the only possible measure left to preserve and establish our liberties and to transmit them inviolate to posterity."

This paper, although prepared in extreme haste, the appointment of the committee being on Sunday afternoon, and the report being made the very next day, comprises, nevertheless, nearly all the topics which are touched with more polished phraseology in the declaration adopted by congress on the fourth of July ensuing, of which the Pennsylvania resolution may be considered as the rough draught.

The very same day that this eloquent and manly resolution was reported and adopted, another and not less important task, of a similar kind, was devolved on colonel Smith and his young friend Dr. Rush.

The congress had passed a vote recommending the formation of an army of four thousand five hundred men, of the Pennsylvania militia for the protection of Philadelphia, but the general assembly had suddenly and unexpectedly broken up, finding their functions likely to be very shortly taken out of their hands, without having made any provision for carrying the plan into effect.

It became necessary, therefore, for the conference, as the only body of men that could be considered as representing the people, to appeal to the patriotic ardour of the volunteers, or "associators," as they were then called, and to induce them to organize the camp without any other requisition than this informal call of their country.

For this duty colonel Smith, Dr. Rush, and colonel Bayard were selected, and the day following their appointment they reported the "address to the associators" which was adopted.

The paper thus prepared was of course intended for publication, and it is remarkable that the committee at this time, more than a week before the vote was taken in congress, chose to consider the question of independence as decided, and all possibility of reconciliation with the royal government as entirely at an end.

"We need not remind you," such is the language addressed to the volunteers, "that you are now furnished with new motives to animate and support your

courage. You are not about to contend against the power of Great Britain in order to displace one set of villains to make room for another. Your arms will not be enervated in the day of battle with the reflexion that you are to risk your lives or shed your blood for a British tyrant, or that your posterity will have your work to do over again: You are about to contend for permanent freedom, to be supported by a government which will be derived from yourselves, and which will have for its object not the emolument of one man, or class of men only, but the safety, liberty and happiness of every individual in the community. We call upon you, therefore, by the respect and obedience which are due to the authority of the United Colonies, to concur in this important measure. The present campaign will probably decide the fate of America. It is now in your power to immortalize your names by mingling your achievements with the events of the year 1776, a year which we hope will be famed in the annals of history to the end of time, for establishing on a lasting foundation the liberties of one quarter of the globe. Remember the honour of our colony is at stake. Should you desert the common cause at the present juncture, the glory you have acquired by your former exertions of strength and virtue will be tarnished, and our friends and brethren who are now acquiring laurels in the most remote parts of America will reproach us, and blush to own themselves natives or inhabitants of Pennsylvania. But there are other motives before you; your houses, your fields, the legacies of your ancestors, or the dear bought fruits of your own

industry, and your liberty now urge you to the field. These cannot plead with you in vain, or we might point out to you further your wives, your children, your aged fathers and mothers, who now look up to you for aid, and hope for salvation in this day of calamity, only from the instrumentality of your swords."

The number of "associators" in Pennsylvania was very large—according to the estimate of Mr. Penn, in his examination before the house of lords, they amounted to a volunteer force of twenty thousand men.

This calculation is, however, to be taken with such allowance as will preclude the idea of that number of actually equipped and organized soldiers. The arms were deficient in quality and amount, the battalions were scattered throughout the colony,—the whole operations of agriculture and the mechanic arts, besides professional avocations, must have been interrupted if the associators had been mustered and marched to battle.

The spirit that was excited and kept alive by the system of enrolling so large a proportion of the effective force of the province in the list of volunteers, contributed nevertheless, and in a very considerable degree, to place Pennsylvania on the side of independence, and to keep her firm in the cause after her territory had become the theatre of war, and her capital had fallen into the hands of the enemy.

To the creation of this invaluable spirit, which filled the province with citizen-soldiers, colonel Smith had been, as we have seen, mainly instrumental, by setting the earliest example of the formation of volunteer com-

panies; and he now had the satisfaction to witness the beneficial consequences of his efforts.

After the adjournment of the conference, in the last week of June, he returned to York, and had a short interval of time to devote to his clients and his iron works, both of which had been necessarily neglected while his attention was occupied by public affairs.

It was, however, a period during which no man that had taken so active an interest in the great contest, could be much at ease, or very capable of attention to private concerns.

The declaration of independence was known to have been proposed in congress, and to be under discussion there until the second day of July, when the vote was taken, and the measure adopted.

This event, although so momentous in its character and consequences, was received with remarkable coolness in the city of Philadelphia;—it in fact excited no surprise. The colonies of North Carolina, Virginia, Pennsylvania, Maryland, New Jersey, and Massachusetts, had already, by public acts, expressed their determination on the subject; and the question was known to be merely one of now or hereafter—of accelerating or delaying—the Rubicon was reached, and with more or less hesitancy was certainly to be passed.

The Philadelphia newspapers of the third of July, merely announced, in a part of their pages by no means conspicuous, that “yesterday the continental congress declared the United Colonies free and independent states.”

This simple annunciation, unaccompanied with comment, applause or preface, of one of the most memorable transactions in the history of man, is to be found in all the newspapers printed at the very place of its occurrence, and is a curious characteristic of the cool and imperturbable temper that prevailed among the whigs throughout the whole of the revolutionary war.

In York county, the intelligence of this event, and the declaration itself which followed in two days after, were received just in time to give additional interest, but more complete unanimity to their election of members of the convention, which was to assemble on the fifteenth, for the purpose of preparing a constitution and plan of government for Pennsylvania.

It was now a season for the timorous, and those who loved their ease and valued their personal safety, to seek excuses for staying at home, and leaving the peril and the labour of public life to such as cared more for their country and her freedom, and less for their own private property and lives.

The army of general Clinton, which had successively menaced New York, Virginia and North Carolina, had now made an intelligible demonstration of an intended attack on Charleston, while Sir William Howe had brought a very large army to Staten Island.

The war began now to look extremely serious; that "sharpest, sharpest conflict," predicted by Josiah Quincy, was now impending, and no one could tell how soon his own fields and threshold might become the scene of the carnage of his own relatives and friends.

The intelligence from England was also extremely discouraging; the ministry had carried their headlong zeal so far as to be guilty of the absurd extravagance of furnishing general Gage's army at Boston with live cattle, hay, and even firewood from England, rather than risk their being cut off by the rebels from the acquisition of these bulky but necessary supplies. The ministerial majorities in both houses of parliament had not diminished, notwithstanding the unconstitutional project of hiring foreign troops had been avowed, and the contracts with the German princes were actually made. The eloquent addresses of congress to the king and the people had met with a cold reception, and every thing bespoke a resolute and severe determination to exert the whole power of Britain, in a mighty effort to reduce the refractory colonies to subjection.

Colonel Smith was not deterred by these formidable considerations from pursuing the course into which his patriotism had impelled him. Nor was he induced by the pressing claims of his private affairs, to withdraw his services from his country; although his practice could not but suffer by his continued absence, and his iron works had become in his absence a very unprofitable business.

He was, however, elected a member of the convention, and did not decline serving, but attended at the meeting in Philadelphia on the fifteenth day of July.

This convention was assembled for the expressed purpose of forming a new constitution for Pennsylvania, now no longer a colony or a province, but become an

independent state: it is a circumstance, however, curiously characteristic of the practical and business-like habits of the public bodies of that period, that the first resolution adopted by them,—after choosing Dr. Franklin for their president,—was an earnest recommendation to the committee of safety that they should take immediate measures for procuring all the lead used in spouts, clock weights, ornaments of houses, or other form, and turning it into bullets without delay.

The first important committee that they appointed, was “to make an essay for a declaration of rights for this state;”—colonel Smith was chosen a member; and before the committee had time to perform the difficult duties of their appointment, other and not less important responsibilities were devolved on him. On the twentieth of July, the convention proceeded to ballot for nine members of congress, and colonel Smith was one of the nine elected; but did not on that account abandon his seat in the convention, nor cease from an active participation in its deliberations. On the twenty-third, he was appointed a member of the committee charged with the delicate task of preparing an ordinance, declaring what should be high treason and misprision of treason against the state, and what punishments ought to be inflicted for these offences; and also an ordinance declaring the punishment for counterfeiting paper bills of credit issued by congress, or by the late assembly of Pennsylvania, or any other of the states, and how far such bills of credit ought to be a legal tender.

The very next day this committee reported on all these subjects. The proposed ordinance respecting treason, which was adopted by the convention, was remarkable for the mildness of its penal inflictions. At this period of civil war and bloodshed, the committee recoiled from the idea of capital punishment, even for that crime which in most ages and countries has been visited—as it is even now in some of the most civilized nations—not only with loss of life, but with death attended with circumstances of torture to the sufferer, or insult to his remains, and total, unsparing ruin to his family.

It deserves to be recorded in honour of colonel Smith and his associates in that committee, that they had the wise humanity to propose, and the convention to approve, a scheme of penal law on this subject distinguished by its mildness and mercy.

Treason, which was to consist in levying war against the state or adhering to its enemies or the enemies of the United States, was to be punished by forfeiture of goods and estate, and imprisonment for a term not to exceed the duration of the war with Great Britain.

Misprision of treason was to cause only a forfeiture of one third part of the offender's property, and a similar imprisonment. But it was also magnanimously and humanely enacted, that in case of a conviction for treason the court should possess a discretionary power to apply any part, or the whole, of the forfeited property to the support of the offender's wife and children. The benign wisdom of this provision cannot be too highly praised,

and cannot fail to excite particular admiration when the period of its enactment, in the midst of the exasperation of civil war, is considered.

As to the crime of counterfeiting the bills of credit to be issued by congress or any one of the states, the committee did not deem any such lenity expedient. Misguided men might join the enemy through an obstinate perseverance in old attachments to the king and nation that all the colonists had so recently looked upon as legitimate objects of loyalty and regard—and yet no absolute depravity of the moral sense be shown by such conduct. To be a tory, and actively so, indicated a want of patriotism, a defect of understanding and correct principle, but did not necessarily imply a total baseness of heart; but a man that would commit a forgery must be wholly abandoned to crime, and could not plead ignorance or prejudice in mitigation of his villany. The whole community, is, also, deeply interested, at all times, in protecting the circulating medium, whether it be metallic or paper, from extensive forgeries; the policy of the British government is well known to be unbending on this subject, and the utmost severity and certainty of punishment has always in that country awaited offences against the current coin and government securities.

The necessity of this severity is its justification; but another part of the report of this committee may be considered as more equivocal in the prudence or propriety of its suggestions. It was proposed to declare the bills of credit issued by congress or the state of Pennsylvania, a legal tender in all cases whatsoever.

The modern doctrines of political economy and political justice would condemn this measure without qualification. The circumstances of the period were, however, peculiar, and excuse, if they do not justify, such a provision.

It is not necessary here to enter into an examination of the arguments in support or those in reprobation of this act of legislation, it is enough to say that colonel Smith exerted himself both in the committee and in the convention to procure its adoption,

A resolution that was adopted at about this time may be mentioned both as indicative of the simplicity and real devotion to business which marked the whole proceedings of the convention, and as affording an example that at the present day might perhaps be advantageously adopted in many dignified deliberative assemblies. This was the imposition of a fine of seven shillings and six pence for absence from the house half an hour after the hour of meeting, or for leaving the house without permission; and an additional fine of ten shillings on each absent member when a quorum did not attend.

On the ninth of August we find colonel Smith appointed one of a new committee to report an ordinance for appointing "conservators of the peace," in the various counties; a new name for "justices of the peace" and perhaps more appropriate; but the attempt thus to introduce a novel title for a kind of magistrates whose functions were well understood under their ancient designation, did not succeed, the inclination being very general to make no more alteration in the fashions of ad-

ministering the law than the great political change that had just occurred rendered indispensable.

A few days after this the "Declaration of rights" was submitted by the committee to the convention; a paper remarkable for setting forth the doctrines of republicanism which had been only hinted in the declaration of independence.

"That the people of this state have the sole, exclusive and inherent right of governing and regulating the internal police of the same.

"That all power being originally inherent in, and consequently derived from the people, therefore all officers of government whether legislative or executive are their trustees and servants, and at all times accountable to them.

"That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation, or community, and not for the particular emolument or advantage of any single man, family, or set of men, who are a part only of that community; and that the community hath an indubitable, unalienable and indispensable right to reform, alter or abolish government in such manner as shall be by that community judged most conducive to the public weal.

"That all elections ought to be free, and that all freemen having a sufficient evident common interest with, and attachment to the community, have a right to elect officers, or be elected into office."

These are among the truly republican doctrines asserted in this declaration; and thus early was univer-

sal suffrage proclaimed as a fundamental principle of Pennsylvanian policy.

The frame of government which accompanied the declaration of rights and was adopted with it, did not receive the unqualified approbation of colonel Smith, but as an experiment it could do no harm, and the people were at all times competent to change it. He therefore concurred in the vote which established the constitution marked by the peculiarity of a legislative body not divided into two houses and an executive power to be held by a council, the head of which was merely nominal; a plan the inconveniences of which were found so considerable after a trial of several years, as to induce a change and the passing to an opposite extreme, investing the whole executive power in one magistrate with less check or control upon his functions than has been thought expedient in any other state of the union.

After a laborious session of six weeks the convention dissolved itself, having enacted several very important ordinances besides preparing the new form of government and giving constant attention to the part which Pennsylvania could contribute towards carrying on the war.

Colonel Smith was now obliged to take his seat in the national council; a hurried visit to his home was scarcely permitted to him by the pressure of his public duties.

The convention in electing new delegates in place of those who had voted against the declaration of independence, and re-electing the others, had given instructions touching the course of conduct that they expected to

be pursued by their members in future; these instructions were comprised in a resolution of the convention and may be considered as the commission granted to colonel Smith and his associated delegates; and were as follows.

“This convention confiding in your wisdom and virtue, has, by the authority of the people, chosen and appointed you to represent the free state of Pennsylvania in the congress of the United States of America, and authorized you, or a majority of such of you as shall at any time be present, to vote for, and in the name of this state, in all and every question there to be decided; and this convention apprehend it to be a duty which they owe to the public, to give you the following general directions for your conduct, confident that you will at all times pay the utmost attention to the instructions of your constituents.

“The immense and irreparable injury which a free country may sustain by, and the great inconveniences which always arise from a delay of its councils, induce us, in the first place, strictly to enjoin and require you to give not only a constant, but a punctual attendance in congress.

“The present necessity of a vigorous exertion of the united force of the free states of America, against our British enemies, is the most important object of your immediate regard, and points out the necessity of cultivating and strengthening, by every means in your power the present happy union of these states, until such a just, equal and perpetual confederation can be agreed

upon, and finally effected, as will be most likely to secure to each the perfect direction of its own internal police: In the forming of which confederation, you are to give your utmost assistance.

“We recommend to you to use your utmost power and influence in congress, to have a due attention paid to the establishing a respectable naval force; as such a force is absolutely necessary to every trading nation; and is the least expensive or dangerous to the liberties of mankind.

“With respect to the forming of treaties with foreign powers, it is necessary only to say, that we strictly charge and enjoin you, not to agree to, or enter into any treaty of commerce or alliance with Great Britain, or any other foreign power, but (on the part of America) as free and independent states: And, that whenever Great Britain shall acknowledge these states free and independent, you are hereby authorized, in conjunction with the delegates of the other United States, to treat with her concerning peace, amity and commerce, on just and equal terms.”

In the beginning of October, and with these instructions for his public conduct, and a patriotic spirit that required no prompting nor encouragement, he commenced his regular and punctual attendance in congress.

It was a season of anxiety, alarm, and agitation, followed by very general gloom and despondency.

The two armies had confronted each other at White Plains, and expectation of a sanguinary battle became

universal—general Howe had changed his plan of operations, and threatened the Jerseys with invasion.

Fort Washington was lost, and with it two thousand of the best soldiers belonging to the American army; the militia were dispersing, general Washington's force was diminishing by daily desertions, and the efforts to rouse the Pennsylvania and Maryland militia had not been successful.

Colonel Smith did not, however, lose the accustomed elasticity of his spirits: the following good-humoured note to his wife, written about the middle of October, 1776, if other proof were wanting, would show a playfulness of temper not consistent with gloom or despondency.

“If Mr. Wilson should come through York, give him a flogging, he should have been here a week ago. I expect, however, to be home before election, my three months are nearly up. Genl. left this on Thursday—I wrote to you by colonel Kenedy.

“This morning I put on the red jacket under my shirt. Yesterday I dined at Mr. Morris's and got wet going home, and my shoulder got troublesome, but by running a hot smoothing iron over it three times, it got better,—this is a new and cheap cure. My respects to all friends and neighbours, my love to the children.

“I am your loving husband

whilst

“JAS. SMITH.

“Congress Chamber,

11 o'clock.”

Mr. Wilson did come, probably without the punishment that Mrs. Smith was thus directed to inflict, but colonel Smith did not on that account consider himself entitled to leave his post at this crisis. On the twenty-third of November, he was appointed, with Mr. Wilson, Mr. Chase, Mr. Clymer, and Mr. Stockton, a sort of executive committee, who were charged with full powers to carry on the whole business of the war, that is to say, "to devise and execute measures for effectually reenforcing general Washington, and obstructing the progress of general Howe's army."

This measure was adopted with the best intentions, but was perhaps not in itself the best calculated to reach the desired object. Much inconvenience and disadvantage had been found to result from the want of an efficient executive power, and the necessity of debating every military movement in congress before the commander in chief could feel himself authorized to adopt it, had already occasioned embarrassment to him, and detriment to the service.

A committee of five, it was thought, could act with much greater promptitude and efficiency than the whole congress;—but the remedy was wholly inadequate to the amount of the evil. If the committee remained at Philadelphia, the necessity of communicating with an army nearly an hundred miles distant, would still be a serious clog on the movements of the commander in chief; and should they repair to head-quarters, what could they do there—vested with this indefinite authority—but

advise upon matters in which the general himself was better versed than they could be?

Colonel Smith, however, with part of the committee, made a visit to the army and general Washington, but returned greatly impressed with the insuperable difficulty of their task—the importance of the crisis—and the abilities and virtues of the commander in chief, with whom alone they were convinced such powers could advantageously be placed.

Washington was equally impressed with the expediency of an efficient authority being vested in his hands; but it was a delicate subject for him to press upon the attention of congress; and it was not till after they had divested themselves of the executive functions and devolved them on this committee, that he could bring himself to ask for an addition to his powers—not, under the then existing circumstances, at the expense of the powers of congress, but of a committee which neither desired nor in fact used the authority with which they had been clothed.

Hinting the disadvantage of his being obliged to make constant applications to congress for their sanction of measures, the immediate adoption of which was essential to the public interests, he suggested the idea of conferring further powers on himself. “This might,” he said, “be termed an application for powers too dangerous to be entrusted.” He could only answer, “that desperate diseases require desperate remedies. He could with truth declare, that he felt no lust for power, but wished with as much fervency as any man upon this

wide extended continent, for an opportunity of turning the sword into a ploughshare; but his feelings as an officer, and as a man, had been such as to force him to say, that no person ever had a greater choice of difficulties to contend with than himself." After stating several measures which he had been compelled to adopt without the sanction of congress, he added,

"It may be thought that I am going a good deal out of the line of my duty, to adopt these measures or advise them freely; a character to lose, an estate to forfeit, the inestimable blessing of liberty at stake, and a life devoted, must be my excuse."

Notwithstanding the irresistible eloquence of this appeal and the decided opinions of the committee in accordance with it, such was the republican jealousy of arbitrary power, then prevalent, that congress hesitated even in the days of the darkest gloom to confer powers beyond the clearly defined lines of their instructions.

When, however, on the twelfth of December, the rapid approach of the British army through Jersey, and the defenceless condition of Philadelphia induced them to remove their sittings to Baltimore, the same resolution was made to contain a clause which gave to general Washington dictatorial power; the congress being willing thus to adopt the most important measure that could be proposed, in this indirect and half concealed manner, although they would not openly avow the whole extent of the alteration they were making in the scheme for carrying on the war, nor confess that they considered their

affairs in so alarming a situation as to require this "desperate remedy."

Colonel Smith did not participate in this reluctance, he had unbounded confidence in Washington, and was too much accustomed to respect and approve of military organization not to think it quite right that the commander in chief should be allowed really to command.

He had now an opportunity of another brief visit to his family, one week being allowed between the adjournment at Philadelphia and the re-assembling of congress at Baltimore. He was now but fifty miles from home, and during the continuance of the session at Baltimore was able to make several hasty journeys to York; without any neglect of his duties, for when complaints were made of the cruel treatment which prisoners received from the enemy, and also of the barbarous depredations committed by the British army during their march through Jersey, he was placed on a committee to whom was entrusted the laborious office of hearing all the evidence on this subject, and collecting from an immense number of authenticated instances a just ground of remonstrance and even of retaliation.

The capture of the Hessians at Trenton, and the defeat of the advance of the enemy at Princeton, had greatly cheered the spirits of the people. Hope succeeded to the deepest despondency; and confidence in the abilities of the general was redoubled.

Colonel Smith never despaired; his constitutional buoyancy of spirits did not at any time forsake him,

although he well knew the difficulties of the contest, and had much, individually, at stake.

His sanguine and happy temperament led him to very early anticipations of success, and the following letter will depict very plainly his readiness to augur well from every favourable circumstance and to believe all that he desired.

It was intended for his friend colonel Donaldson, when he began the epistle, but in writing it he changed its destination and addressed it to his wife. The "Dear Sir" is, in the original, erased:

"Baltimore, 27th January, 1777.

DEAR SIR,

I hope before this comes to hand N. York will be again in our possession. Fort Washington is certainly ours. Colonel Atlee heard general Robinson say so at New York, when there was not above nine hundred men and most of the Hessians waiting to surrender to us. The tories in New York were packing up their baggage in the utmost hurry and confusion. About two thousand men are sent from Amboy to Staten Island, by the enemy probably to endeavour to save New York; I hope they will arrive too late. General Sullivan has gone to Amboy; the Jersey militia are very alert in distressing the enemy; the enemy daily diminish by capture, sickness and desertion. Howe is so frightened, he has recalled his troops from Rhode Island, they will be followed close by the New Englanders employed in opposing them. I expect the two widows will take a matrimonial

swing to-day or to-morrow. I hope colonel Hartly has got in his recruiting airs, my compliments to him and colonel Donaldson, Mrs. Johnson, and all friends.

Your loving and affectionate husband,

JAMES SMITH.

P.S. You'll see this letter was intended for colonel Donaldson and to be accompanied by one to you but time won't admit of writing, show him this; I will write more at large to-morrow."

In March of this year, the Pennsylvania assembly had to make a new choice of delegates, and colonel Smith, having already suffered severely in his private interests, by his unremitted attention to public affairs for so long a period, declined a re-election.

He returned to his professional occupations with renewed energy, and gave his attention also to the iron works which he possessed on the Codorus creek. This establishment furnished him with the occasion of many a jest, but became so evidently an unprofitable and even ruinous concern, that he determined to wind up the business and get rid of it with any sacrifice.

His loss by the iron works was supposed by his best friends to amount to about five thousand pounds,—he had property remaining, however, that was sufficient for his wants; and he compensated himself by uttering a thousand jokes against the two superintendents, under whose mismanagement he had suffered so heavily, designating one of them as a knave and the other a fool, and

being on all occasions particularly exact in keeping the distinctive epithet of each punctually applied to him.

This was not a season, however, for a man like colonel Smith to retire entirely from public affairs. He had entered too deeply into the interests and anxieties of the conflict, to be an unconcerned or quiet spectator. The British had landed at the head of Elk; the battles of Brandywine and Germantown had been fought; the enemy were in possession of Philadelphia; and cabals, dissensions and discontents, had appeared in the army, in congress and among the public at large.

He could not, therefore, in the crisis of that particular period, refuse an election to congress in December of the year 1777.

Before this time, the near approach of the British to Philadelphia had obliged congress to remove to Lancaster, and they soon fixed their sittings at York, as a more convenient place and at least equally safe. It was, indeed, no excess of prudence which induced them to place the Susquehannah between themselves and their foes.

This location of congress was agreeable to colonel Smith in many respects, but it was even more incompatible with his attention to professional pursuits than being at Philadelphia. Besides sitting in congress during several hours of the morning and afternoon, the evening was naturally, and with his social disposition unavoidably, given to the delightful duties of hospitality.

So completely was every private consideration sacrificed to the desire of contributing to the general good,

that his office was closed against his clients, and given up to the occupation of the board of war.

In the beginning of the next summer, however, the enemy thought proper to evacuate the capital, and congress resumed their session at Philadelphia, on the second of July.

Colonel Smith had been appointed one of a very important committee, charged with the duty of collecting testimony concerning the barbarous treatment of prisoners by the enemy, and the unjustifiable destruction of private property committed by the British armies.

This committee had made a report after he had vacated his seat in the year 1777, but to which he had contributed more than his share of the labour necessary for its preparation. This report stated,

“That in every place where the enemy has been, there are heavy complaints of oppressions, injury and insults suffered by the inhabitants from officers, soldiers and Americans disaffected to their country’s cause. The committee found these complaints so greatly diversified, that as it was impossible to enumerate them, so it appeared exceedingly difficult to give a distinct and comprehensive view of them, or such an account as would not, if published, appear extremely defective, when read by the unhappy sufferers or the country in general.

“In order, however, in some degree to answer the design of their appointment, they determined to divide the object of their inquiry into four parts. First, The wanton and oppressive devastation of the country and destruction of property. Second, The inhuman treat-

ment of those who were so unhappy as to become prisoners. Third, The savage butchery of many who had submitted or were incapable of resistance. Fourth, The lust and brutality of the soldiers in the abusing of women.

“They will therefore now briefly state what they found to be the truth upon each of these heads separately, and subjoin to the whole affidavits and other evidence to support their assertions.

“1. The wanton and oppressive devastation of the country and destruction of property.

“The whole tract of the British army is marked with desolation and a wanton destruction of property, particularly through West Chester county in the state of New York ; the towns of Newark, Elizabethtown, Woodbridge, Brunswick, Kingston, Princeton, and Trenton, in New Jersey. The fences destroyed, the houses deserted, pulled in pieces or consumed by fire, and the general face of waste and devastation spread over a rich and once well cultivated and well inhabited country, would affect the most unfeeling with melancholy or compassion for the unhappy sufferers, and with indignation and resentment against the barbarous ravagers. It deserves notice that though there are many instances of rage and vengeance against particular persons, yet the destruction was very general and often undistinguished ; those who submitted and took protections, and some who were known to favour them, having frequently suffered in the common ruin. Places and things, which, from their public nature and general utility, should have been

spared by a civilized people, have been destroyed or plundered, or both. But above all, places of worship, ministers and religious persons of some particular protestant denominations seem to have been treated with the most rancorous hatred, and at the same time with the highest contempt.

“2. The inhuman treatment of those who were so unhappy as to become prisoners.

“The prisoners, instead of that humane treatment which those taken by the United States experienced, were in general treated with the greatest barbarity. Many of them were near four days kept without food altogether: when they received a supply, it was both insufficient in point of quantity and often of the worst kind: they suffered the utmost distress from cold, nakedness and close confinement: freemen and men of substance suffered all that a generous mind could suffer from the contempt and mockery of British and foreign mercenaries: multitudes died in prison; and when others were sent out, several died in the boats while carrying ashore, or upon the road attempting to go home. The committee in the course of their inquiry learned, that sometimes the common soldiers expressed sympathy with the prisoners, and the foreigners more than the English. But this was seldom or never the case with the officers; nor have they been able to hear of any charitable assistance given them by the inhabitants who remained in, or resorted to the city of New York; which neglect, if universal, they believe was never known to happen in any similar case in a christian country.

“3. The savage butchery of those who had submitted and were incapable of resistance.

“The committee found it to be the general opinion of the people in the neighbourhood of Princeton and Trenton, that the enemy the day before the battle of Princeton had determined to give no quarter. They did not, however, obtain any clear proof, that there were any general orders for that purpose; but the treatment of several particular persons at and since that time, has been of the most shocking kind, and gives too much countenance to the supposition. Officers wounded and disabled, some of them of the first rank, were barbarously mangled or put to death. A minister of the gospel in Trenton, who neither was nor had been in arms, was massacred in cold blood, though humbly supplicating for mercy.

“4. The lust and brutality of the soldiers in the abusing of women.

“The committee had authentic information of many instances of the most indecent treatment, and actual ravishment of married and single women; but such is the nature of that most irreparable injury, that the persons suffering it, and their relations, though perfectly innocent, look upon it as a kind of reproach to have the facts related and their names known. They have, however, procured some affidavits, which will be published in the appendix. The originals are lodged with the secretary of congress.

“Some complaints were made to the commanding officers upon the subject, and one affidavit made before

a justice of peace ; but the committee could not learn that any satisfaction was ever given or punishment inflicted, except that one soldier at Penington was kept in custody for part of a day.

“ On the whole, the committee are sorry to say that the cry of barbarity and cruelty is but too well founded ; and as in conversation, those who are cool to the American cause, have nothing to oppose to the facts but their being incredible, and not like what they are pleased to style, the generosity and clemency of the English nation ; the committee beg leave to observe, that one of the circumstances most frequently occurring in the inquiry, was the opprobrious and disdainful names given to the Americans ; these do not need any proof, as they occur so frequently in the newspapers printed under their direction, and in the intercepted letters of those who are officers and call themselves gentlemen. It is easy, therefore to see what must be the conduct of a soldiery greedy of prey, towards a people whom they have been taught to look upon not as freemen defending their rights on principle, but as desperadoes and profligates, who have risen up against law and order in general, and wish the subversion of society itself. This is the most candid and charitable manner in which the committee can account for the melancholy truths which they have been obliged to report. Indeed the same deluding principle seems to govern persons and bodies of the highest rank in Britain. For it is worthy of notice, that not pamphleteers only, but king and parliament, constantly call

those acts lenity, which on their first publication filled this whole continent with resentment and horror.”

To give greater effect to this manifesto, congress ordered that it should be published with the affidavits on which it was founded; and although enough of these had been exhibited to the committee to satisfy their minds of the truth of all the assertions of the report, yet it was considered expedient to strengthen the proof as much as possible by additional testimony.

Much of this duty remained to be performed, and colonel Smith absented himself from his seat in congress during the month of July and part of August, in order to devote his attention more efficiently to this object.

He repaired to Philadelphia and resumed his seat on the eleventh of August; but he did not any longer feel it incumbent on him to yield himself so exclusively to public affairs. The British had been chased across Jersey and defeated at Monmouth; the French alliance was concluded and the French fleet actually on the coast, the articles of confederation after being debated at thirty-nine different times,—in those days of prompt despatch and short speeches, a prodigiously lengthened discussion,—had been ratified, and he had had the satisfaction of signing, as the authorized agent of Pennsylvania. Every thing promised a fortunate termination of the war, and strong hopes were entertained that that consummation was not far distant. Under these circumstances he began to think of giving place in the public councils to younger or less courageous men who might very well bring the ship into harbour on a smooth sea,

although they could not have been so safely trusted with the helm in the stormy days that had just but passed away.

The following letter written by him at this period, to his wife, exhibits very plainly the state of his feelings, which led him in the succeeding November, to make a final relinquishment of his seat in congress. It was dated in the "Congress Chamber," September the fourth, 1778.

"This morning I sent a bundle of newspapers and a half finished letter by Mr. Hahn. Yesterday I dined with the president at his own house, he lives elegantly and keeps house himself, we had an elegant dinner and very good claret and Madeira. No further accounts from Rhode Island that can be depended on, but one letter mentions they expect the French fleet from Boston again, and if so they will not quit the Island. If any thing certain arrives before this letter is sealed, I will mention it in a postscript. But for this unlucky storm that scattered the fleets of France and England we had the best ground to hope that Rhode Island would have been recovered, and that would have put an end to the war in all human probability, but if Heaven determines otherwise, we must submit; I am tired of the city heartily, it is very expensive living and not very agreeable; since I left the Indian Queen, I have paid for my room and bed, and breakfast and supper, six pounds per week, and four pounds per week more, for my dinner at another house without any drink.

“Yesterday, congress agreed to meet twice a day, so that we break up at one, and meet at three o’clock. I told Mr. Shee my lodging was too dear, and I did not like to lodge at one house and dine at another half a mile off. He agreed to board me at twenty dollars per week including dinner, which is fifty shillings less than I had paid. I breakfasted with Mr. Wilson and Ross at Mrs. Honse’s, she said her price was twenty dollars a week, which I will accept of, unless I can lodge at captain M’Collough’s or Mr. Nichols’, for being now able to dine at the usual time, I can get board in many places where I could not while we dined at four o’clock.

“I am laying my account upon returning about the tenth of next month, to be able to attend Carlisle and York courts.

“Beef and mutton are half a crown, veal three shillings, and all kinds of goods as dear as ever.

“I put fifteen hundred pounds in the loan office, and have got about ninety pounds fees, and a promise of a hundred pound fee more, these are the first fees I ever got in Philadelphia; my fees here must clear my teeth, and my pay in congress go to you my dear, and the children. I believe if you would consent to come here and live, I could get into pretty good business in the law way, but it is a hazard, and two thousand a year would, as times go, be not more than enough to live in any tolerable style here. York and Carlisle are sure for business though fees are not so high as here.

“Mrs. Stevenson sent me a forty dollar fee, to turn her husband out of her house, and general Thompson assures

me, she will sign her claim to the widows' house on any separate paper, but not where he signed.

"Poor Mrs. Shugart with Mr. Armor called on me to assist in getting a pass from congress, for leave for her to go to New York to try if she can get her husband home, I much doubt her success, but got her the pass. Our prisoners there whose friends cannot send them hard money suffer greatly. I tried to get Tommy Armor a good post in the army, but missed it; had he spoken or written to me in time, I believe it might have been had for him.

"I dined at major Nichols' one day and Kitty seems very clever, and is visited by good sort of people.

"You, my dear, have been fatigued to death with the plantation affairs; I can only pity but not help you. Did you hear from Betsey's; is Peggy any thing more talkative? She sent a good letter, tell her to write me another.

"I went to Mr. Hillegass (where I go often,) with Mrs. Nichols to deliver the letters. I have not time to finish, but you will have nonsense enough.

Your loving husband, whilst,

JAMES SMITH."

A postscript dated fifth September, 1778, adds that "an account has arrived that there was a battle at Rhode Island, in which the English were worsted."

After passing the whole of the year seventeen hundred and seventy-nine and part of the following year in an uninterrupted prosecution of his professional pursuits,

he was prevailed on again to perform a tour of public duty, and accepted a seat in the assembly of Pennsylvania, which he held during one session only.

His usual activity was transferred to this new scene of action, and we find him appointed on almost all the most important and responsible committees.

The war having now drawn towards a close, he excused himself from any further public duties which would require his absence from home. The practice of the law gave him full occupation and competent remuneration, and his excellent spirits and humorous disposition made the labours and vexations of this very fatiguing profession sit lightly on his mental and corporeal health. Old age advanced upon him with a lingering step, and he was able to accept and exercise the local offices of chief-burgess of the town of York and trustee of the academy, at a time of life when most of his co-evals had survived their energy. It was not until the year 1800 that he withdrew from the bar, after having been a practising lawyer for about sixty years.

The peculiarities of his disposition and habits continued to distinguish him to the very last. Social, jocular and friendly, he was the life of all conviviality; and the powers of his very retentive memory had in so long an exercise, supplied him with a store of rich and diverting anecdote that was inexhaustible and unequalled. He lived to see his friend, and the object of his most enthusiastic admiration—general Washington, twice elected by the unanimous suffrage of the nation to that most elevated of all stations—the chief magistracy of a free peo-

ple. He lived too, which seemed to him a much more surprising event, to find himself opposed in politics to his old friend and patriot of '76, Thomas M'Kean; and he had again the gratification of supporting him at his last election to the office of governor of Pennsylvania.

He retained his veneration for religion and its ministers as well as his regular attention to public worship; and would always repress every licentious jest at the expense of sacred subjects, as he would with equal promptitude and much more warmth repel and reprobate every word or insinuation uttered in his hearing to the disparagement of general Washington. He was a member of the federal party in the political divisions that distracted Pennsylvania with even more bitterness than was exhibited in other states; but with his temperament and his recollections it was impossible for him to be a very angry or implacable partizan.

He continued in habits of epistolary correspondence with Dr. Franklin, Samuel Adams and many others of the patriots of the revolution, during their lives, but outlived the greater part of his early associates; a valuable collection of letters of this kind was unfortunately lost in the year eighteen hundred and five, when his office, with all its contents, was destroyed by fire.

On the eleventh day of July, in the following year, he was gathered to his fathers.

The monument erected over his grave, in the burial ground of the English Presbyterian church, at York, records his death as having occurred in the ninety-third year of his age; but there is reason to believe he was

not so old by several years. His pertinacious refusal to give any information on the subject of his age had never been overcome, and it remains a matter of conjecture.

He had three sons and two daughters, of whom one only of each survived him; and of these the son, Mr. James Smith, died at York a few years after his father, and the daughter still lives at the same place, the consort of Mr. James Johnston.

In his domestic relations he was invariably affectionate and kind; and it seems to have been his almost singular happiness to pass through a period of extreme agitation and distress—not as an unconcerned spectator, but a most interested and busy agent—with such buoyant cheerfulness and gamesome humour, as effectually guarded his heart and health from the corroding effects of those anxieties which brought the seriousness of old age before its time upon the spirits of most of his co-patriots, and drew down many of them to an early grave.

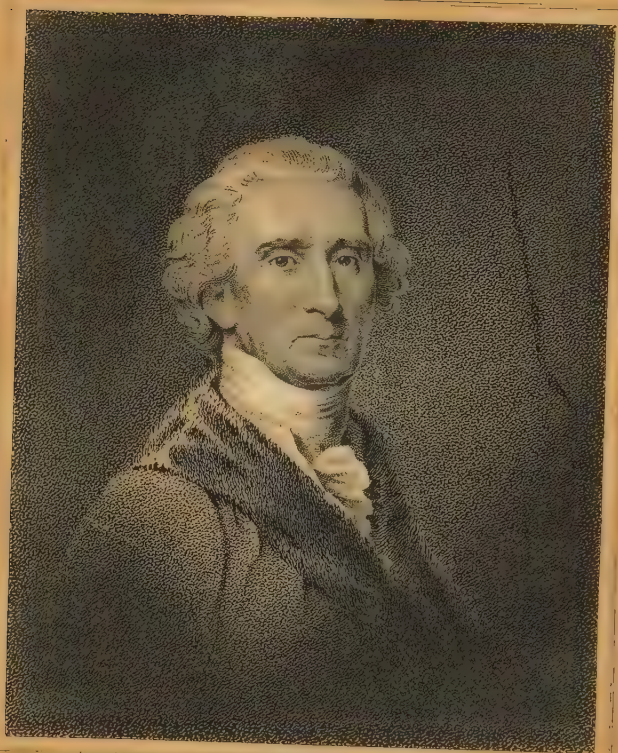
CHARLES CARROLL

OF

CARROLLTON.







CHARLES CARROLL.

of Carrollton

Drawn & Engraved by J. B. Longacre from a Painting by Field.

CHARLES CARROLL.

CHARLES CARROLL, surnamed of Carrollton, the subject of the present sketch, and the son of Charles Carroll and Elizabeth Brook, was born the eighth of September, 1737, O. S. (twentieth September, N. S.) at Annapolis in the state of Maryland.

Charles Carroll, the son of Daniel Carroll, of Littimourna, King's county, Ireland, and of the Inner Temple, the grandfather of Charles Carroll of Carrollton, was a clerk in the office of lord Powis, under the reign of James second, and left England a short time previous to the accession of King William, to further his fortunes in America. At the instance and through the influence of lord Powis, Mr. Carroll was appointed, in 1691, to succeed colonel Henry Darnell as judge and register of the land office, and agent and receiver of rents for lord Baltimore in the province of Maryland. He appears to have been a man of influence and importance in the administration of the provincial affairs, and in 1718 was one of those who were expressly exempted from any disqualification on account of religion.

Charles Carroll, born in 1702, the father of Charles Carroll of Carrollton, took an active part in the affairs of the provincial government, and in the religious dis-

putes of the times stood prominent as one of the leading and most influential members of the Catholic party in Maryland. The disqualifications and oppression to which the Catholics were subjected, in the early part of the eighteenth century, amounted to a persecution. Roman Catholic priests were prohibited from the administration of public worship: the council granted orders to take children from the pernicious contact of Catholic parents: Catholic laymen were deprived of the right of suffrage; and the lands of Catholics were assessed double when the exigencies of the province required additional supplies. Beside the oppression of legislative enactments, personal animosity was carried to such an extent, that the Catholics were considered as beyond the pale of fellowship; not suffered to walk with their fellow subjects in front of the Stadt House at Annapolis, and finally obliged to wear swords for their personal protection. In this state of things a large portion of the Catholics of Maryland determined to emigrate, and Charles Carroll, then on a visit to his son in France, applied to the French minister of state, for a grant of land on the Arkansa river, at that time part of the French territory of Louisiana. The extent of the tract demanded, startled the minister as Mr. Carroll pointed to it on the map. He considered it too large to be given to a subject; difficulties were thrown in the way; and Mr. Carroll was obliged, at last, to return to Maryland, without having accomplished his object. Soon after Mr. Carroll's return, the rigour of the laws against the Catholics was relaxed, and they abandoned their intention of emigrat-

ing to the West. After an active and useful life Charles Carroll died in 1782, at the advanced age of eighty years.

In 1745, Charles Carroll of Carrollton, then eight years old, was taken to the college of English Jesuits at St. Omers, to be educated. Here he remained for six years, and left it to pursue his studies at a college of French Jesuits, at Rheims. After staying one year at Rheims, he was sent to the college of Louis Le Grand, and during his stay at this place, his father visited France, as before mentioned. From Louis Le Grand, Mr. Carroll went at the expiration of two years, to Bourges, the capital of the province of Berry, to study the civil law, and after remaining there for one year, returned to college at Paris, where he continued until 1757, in which year he visited London, and taking apartments in the temple, commenced the study of the law. In 1764, he returned to his native place, during the first discussion of those principles, which being honestly proclaimed, and fearlessly supported, occasioned the war of the revolution.

The violence of religious disputes had by this time almost entirely subsided; and the irritation produced by the stamp act, in 1766, turned popular feeling into another and more interesting channel. From this period, political discussion became free and unreserved. Suspicion of the mother country induced investigation; investigation developed principles and discovered rights; and talent of a high character stepped forward to explain the one, and claim the other. Among those

whose pens, at this time, were busily and successfully employed, were Chase, Stone, Paca, Dulany, and Carroll. If intemperate abuse at times mingled in the controversy, yet the general character of the arguments used was calm and dignified; the disputants professing the greatest respect for the mother country, and, to the last moment, looking for, and willing to receive, redress from the principles of its constitution.

Upon the repeal of the stamp act, things settled, in Maryland, into that calm, which always follows violent excitement; and matters of local interest became the chief topics of discussion. In these, the large landed property and extended connexions of Mr. Carroll gave him great weight; and we find him constantly engaged in the discharge of the duties of an active and able citizen. In June, 1768, he married Miss Mary Darnell, the daughter of Henry Darnell, jr., and described in the chronicles of the day, as "an agreeable young lady, endowed with every accomplishment necessary to render the connubial state happy."

The calm which followed the repeal of the stamp act, continued undisturbed until 1771-2, when the attempt to establish the fees of the civil officers of the province by proclamation, roused again the indignation of the people, and called forth all the talent and energy of the political writers. The important part which Mr. Carroll took in this discussion requires some detail in the explanation of the cause of dispute.

In the year 1770, the fees of the civil officers of the colonial government became the subject of inquiry and

investigation in the house of delegates; in the course of which, many accounts were produced, demonstrating the abuse of the old table of fees in the mode of charging, and showing the necessity of a new law, commensurate with the increased wants and improved condition of the province. Upon full consideration of the whole matter, the lower house came to a resolution to adopt a new regulation of fees. A law for this purpose was framed, passed and sent for concurrence to the upper house. Here it was violently opposed by those members whose profits of office would have been diminished by its passage; and, through their influence, it was ultimately rejected. Had matters rested here, all would have been well. But governor Eden, with the advice of his council, issued his proclamation, dated November twenty-sixth, 1770, a few days after the prorogation of the assembly, "commanding and enjoining all officers, &c., under pain of his displeasure, not to take any other or greater fees" than those therein mentioned; in other words, and in the language of the day, "settling the fees by proclamation."

The proclamation was strenuously supported by its friends, as a proper and justifiable exercise of prerogative. The preamble stated, that the object was "to prevent any oppressions and extortions from being committed under colour of office, by any of the officers, &c. in exacting unreasonable and excessive fees;" and entrenching themselves behind this expression, the advocates of the measure contended, that so far from being a subject of complaint or dispute, the proclamation ought

to be considered as a barrier between the people and the usurpations of office. On the other side it was urged, that the exaction of fees, was to all intents and purposes a tax ; that the power to tax a free people belonged exclusively to its representatives ; and, therefore, that the proclamation of governor Eden, settling the fees, was an arbitrary and unjustifiable exercise of power.

In support of the measure, there were many advocates ; and, among the rest, one who, in the form of a dialogue between two citizens, justified the proclamation, and gave the victory to its defender, the second citizen. Mr. Carroll then assumed the signature, and used the argument of the First Citizen ; the "Editor of the Dialogue," fell into the back ground ; and Daniel Dulany, Esq., provincial secretary, under the signature of Antilore, appeared as Mr. Carroll's antagonist. Perhaps there never was a newspaper contest, which excited more interest throughout the state of Maryland, than this. The great question of the revolution, the right to tax the people without the consent of its representatives, was proposed and argued by the first citizen, in the boldest manner, and with the most extended views. "What was done ?" continues Mr. Carroll, speaking of the disagreement between the two houses on the subject of the fees, "the authority of the chief magistrate interposed, and took the decision of this important question from the other branches of the legislature, to itself. In a land of freedom, this arbitrary exertion of prerogative will not, must not, be endured." This determined language startled even the adherents of the cause ; and

those who were in the secret of Mr. Carroll's authorship, looked with astonishment upon one of the largest landholders in the country, avowing sentiments which might be so injurious to him personally in their consequences. In the end, Mr. Carroll was victorious; Antilore was silenced, and, on the fourteenth of May, the proclamation was taken by a numerous procession to the gallows, suspended there for a time, and then burnt beneath them by the common hangman.

Complimentary letters of thanks were now addressed to the First Citizen, from all quarters, and published in the newspapers, as the only means of communication with an anonymous author. From the many before him, the writer of the present sketch has selected the following, as showing the estimation in which the exertions of Mr. Carroll were held throughout the province.

“TO THE FIRST CITIZEN,

“Sir, your manly and spirited opposition to the arbitrary attempt of government, to establish the fees of office by proclamation, justly entitles you to the exalted character of a distinguished advocate for the rights of your country. The proclamation needed only to be thoroughly understood, to be generally detested; and you have had the happiness to please, to instruct, to convince your countrymen. It is the public voice, sir, that the establishment of fees, by the sole authority of prerogative, is an act of usurpation, an act of tyranny, *which in a land of freedom, must not, cannot, be endured.*

“The free and independent citizens of Annapolis, the metropolis of Maryland, who have lately honoured us with the public character of representatives, impressed with a just sense of the signal services which you have done your country, instructed us, on the day of our election, to return you their hearty thanks. Public gratitude, sir, for public services, is the patriot’s due ; and we are proud to observe the generous feelings of our fellow citizens towards an advocate for liberty. With pleasure we comply with the instructions of our constituents, and in their names we thank you for the spirited exertion of your abilities. We are, sir, most respectfully, your very humble servants,

WILLIAM PACA,

MATTHEWS HAMMOND.”

When it became generally known that Mr. Carroll was the writer of the pieces signed “First Citizen,” the people of Annapolis, not satisfied with the letter of their delegates, came in a body to thank him for his exertions in defence of their rights.

The talent and firmness evinced by Mr. Carroll in his contest with Dulany, raised him at once to a high station in the confidence of the people ; and we find him, during the years 1773-4-5, actively engaged in all the measures which were taken in opposition to the course of Great Britain’s colonial policy. From the earliest symptoms of discontent, Mr. Carroll foresaw the issue, and made up his mind to abide it. Once, when conversing with Samuel Chase, in 1771 or 2, the latter

remarked, "Carroll, we have the better of our opponents,—we have completely written them down." "And do you think," Mr. Carroll asked, "that writing will settle the question between us?" "To be sure," replied his companion, "what else can we resort to?" "The bayonet," was the answer. "Our arguments will only raise the feelings of the people to that pitch, when open war will be looked to as the arbiter of the dispute." Some years before the commencement of actual hostilities, Mr. Graves, the brother of admiral Graves, and then a member of parliament, wrote to Mr. Carroll on the subject of the disturbances in America, laughing at the idea of resistance on the part of the colonies, and declaring that six thousand English soldiers would march from one end of the continent to the other. "So they may," said Mr. Carroll in his answer, "but they will be masters of the spot only on which they encamp. They will find nought but enemies before and around them. If we are beaten on the plains, we will retreat to our mountains and defy them. Our resources will increase with our difficulties. Necessity will force us to exertion ; until, tired of combating, in vain, against a spirit which victory after victory cannot subdue, your armies will evacuate our soil, and your country retire, an immense loser, from the contest.—No, sir,—we have made up our minds to abide the issue of the approaching struggle, and though much blood may be spilt, we have no doubt of our ultimate success. These opinions, openly avowed and supported by Mr. Carroll, on all occasions, caused him to be ranked with the Chase,

Paca, and Stone, of Maryland, and considered as one of the popular leaders of the day.

The influence which his abilities had procured him, being used with propriety and firmness, was confirmed in Mr. Carroll's possession, and his advice was asked in all emergencies of the troubled times which immediately preceded the declaration of independence. When the brig Peggy Stewart imported into Annapolis a quantity of tea, (an article forbidden by the resolution of the delegates of Maryland, June twenty-second, 1774,) the irritated populace, then collected from the neighbouring counties at the provincial court, threatened personal violence to the master and consignees of the vessel, as well as destruction to the cargo. The committee of delegates immediately met, and appointed a sub-committee to superintend the unloading of the vessel, and to see that the prohibited article was not landed. Still the excitement of popular feeling continued unabated, and the friends of Mr. Anthony Stewart, the owner of the vessel, applied to Mr. Carroll, as one most able to protect him from violence. Mr. Carroll's advice was concise and determined. "It will not do, gentlemen, to export the tea to Europe or the West Indies. Its importation, contrary to the known regulations of the convention, is an offence for which the people will not be so easily satisfied; and whatever may be my personal esteem for Mr. Stewart, and my wish to prevent violence, it will not be in my power to protect him, unless he consents to pursue a more decisive course of conduct. My advice is, that he set fire to the vessel,

and burn her, together with the tea that she contains, to the water's edge." The applicants paused for a moment; but they saw no alternative, and Stewart, appearing immediately before the committee, offered to do what Mr. Carroll had proposed. In a few hours afterwards, the brigantine Peggy Stewart, with her sails set, and her colours flying, was enveloped in flames, and the immense crowd collected on the shores of the harbour, acknowledged the sufficiency of the satisfaction.

In January, 1775, Mr. Carroll was chosen a member of the first committee of observation that was established in Annapolis, and in the same year he was elected a delegate to represent Anne Arundel county in the provincial convention.

In the early part of the year 1776, the momentous character of the proceedings of the general congress, then sitting in the city of Philadelphia, made that city the point of the greatest interest in the colonies, and the resort of all whose means enabled them to be present at the deliberations of their representatives. Among others, Mr. Carroll was an anxious and distinguished spectator. The talents which he had exerted in Maryland, in behalf of the great cause of American liberty, were well known and fully appreciated by the general congress, and in February, 1776, he was appointed a commissioner, with Dr. Franklin and Samuel Chase, to proceed to Canada, to induce the inhabitants of that country to join the United Provinces in opposition to Great Britain. The ample powers with which the commissioners were clothed shows the importance of the appointment; and the selec-

tion of Mr. Carroll, who was not in congress at the time, was a mark of distinction both honourable and gratifying. The commissioners were instructed to explain to the Canadians the nature of the institutions of the United Provinces, and the principles of the confederation; to urge the natural connexion which subsisted between Canada and the colonies; the mutual interest of both the countries to unite in opposition to tyranny, and the certainty of success from a well directed use of their conjoined energies; to guarantee such form of government as the Canadians might set up, together with the free and undisturbed exercise of religion; to press the people to have a full representation in convention, to take into consideration the propositions of the United Provinces; to establish a free press; to settle all disputes between the Canadians and continental troops; to sit and vote as members of councils of war for erecting or demolishing fortifications, and to draw on the president, for that purpose, for any sums of money, not exceeding one hundred thousand dollars in the whole; to encourage the trade and commerce of the country; to give credit and circulation to the continental money; and to suspend any military officer, whose conduct, in the opinion of the commissioners, was improper or unjust.

In the resolution of congress, appointing the commissioners, Mr. Carroll is "requested to prevail on Mr. John Carroll to accompany the committee to Canada, to assist them in such matters as they shall think useful." The standing and influence of Mr. John Carroll, as a Catholic clergyman of talents and activity, it was hoped

would be of essential service in the accomplishment of the mission, by removing from the minds of a Catholic population all suspicion of interference on religious subjects.

The committee found many difficulties to contend with on reaching Canada. The ardour which had prevailed among the Canadians in favour of the measure, when the American troops first entered the country, had been damped by the inefficiency of the force employed, and almost wholly destroyed by the defeat and death of Montgomery. The inhabitants became provoked, when the want of regular supplies compelled the continental troops to support themselves by levying contributions on those whom they were sent to assist; and the priests, never, as a body, in favour of the cause, seized the moment of irritation to incense their parishioners against the United Colonies. Under these opposing circumstances, the commissioners did every thing that lay in their power. They issued proclamations; they promised privileges; and called upon the people to bear patiently the temporary evils which remittances and reenforcements from congress would in a short time obviate. For a while, the assurances produced some effect: but the continuance of the causes of dissatisfaction; the want of specie, clothing and provisions; the disorder and sickness prevailing among the American troops, and their total inadequacy to the object for which they entered Canada, again occasioned murmurs among the inhabitants, and finally alienated their affections from the United Colonies. After remaining in Canada as long

as there was a prospect of being useful, the commissioners returned to Philadelphia; and on the twelfth of June, 1776, a few days after their arrival, presented the written report of their proceedings to the congress then in session.

Mr. Carroll returned from Canada during the discussion in congress of the "Subject of Independence," and in time to see realized the result which he had anticipated and hastened, years before, in his controversy with "Antilore." But he found the representatives of his native state shackled with instructions, "to disavow in the most solemn manner, all design in the colonies of independence." These instructions were given by the convention of Maryland, in December 1775, at which time Mr. Carroll strongly opposed them. On his return from Canada, he became more than ever convinced of their impropriety in the present crisis, and hastened to Annapolis, to procure, if possible, their withdrawal.

On reaching Annapolis, Mr. Carroll resumed his seat in the convention, and advocated the withdrawal of the instructions of December, 1775, and the substitution of others in their stead, empowering the delegates in congress "to concur with the other united colonies, or a majority of them, in declaring the United Colonies free and independent states." His exertions in this behalf were indefatigable. No time was to be lost; the debates in congress were coming to a head; independence was already almost resolved upon, and the delay of a single hour might prevent Maryland from participating in its declaration. These, and other reasons, were urged

by Mr. Carroll and his friends, to procure despatch in the deliberations of the convention, and on the twenty-eighth of June, the old instructions were withdrawn; new instructions were given, containing the powers proposed by Mr. Carroll; and, on the second of July, 1776, the delegates of Maryland found themselves authorized to vote for independence.

The zealous and active part taken by Mr. Carroll in procuring the instructions of June twenty-eighth, was the cause of his immediate appointment as a delegate from Maryland to the general congress; and on the fourth of July, 1776, when a new appointment of delegates was made by the convention, we find Mr. Carroll's name on the list, for the first time. The important business then before the convention, detained Mr. Carroll for some days in Annapolis, after his appointment; and on the sixth of July, he had the satisfaction of seeing the declaration of the convention of Maryland published to the world. This being, in part, the consequence of the new instructions, well deserves mention in the story of Mr. Carroll's life, as a measure in the accomplishment of which he bore a distinguished part. After reciting the wrongs suffered from the king of Great Britain, the declaration continues,

“We, the delegates of Maryland, in convention assembled, do declare, that the king of Great Britain has violated his contract with this people, and that they owe no allegiance to him. We have therefore thought it just and necessary to empower our deputies in congress, to join with a majority of the United Provinces in declaring

them free and independent states, in framing such further confederation, in making foreign alliances, and in adopting such other measures as shall be judged necessary for the preservation of their liberties. No ambitious views, no desire of independence, induced the people of Maryland to form an union with the other provinces. To procure an exemption from parliamentary taxation, and to continue to the legislatures of these colonies the sole and exclusive right of regulating their internal polity, was our original and only motive. To maintain inviolate our liberties, and to transmit them unimpaired to posterity, was our duty and first wish ; our next to continue connected with, and dependent on Great Britain. For the truth of these assertions we appeal to that Almighty Being, who is emphatically styled the Searcher of hearts, and from whose omniscience nothing is concealed. Relying on his divine protection, and trusting to the justice of our cause, we exhort and conjure every virtuous citizen, to join cordially in defence of our common rights, and in maintenance of the freedom of this and her sister colonies."

On the eighteenth of July, the credentials of the new appointment of delegates from Maryland to the general congress, was received by that body, and Mr. Carroll, on the same day, took his seat as a member.

Although Mr. Carroll did not vote on the question of independence, yet he was among the earliest of those who affixed their signatures to its declaration. The printed journals of congress, indeed, make it appear, that the Declaration of Independence was adopted and

signed on the fourth of July, by the gentlemen whose names are subscribed to it under the head of that date. But the impression thus given is incorrect; because, in fact, not one signature was affixed to the declaration until the second of August. The idea of signing does not appear to have occurred immediately; for not until the nineteenth of July, as will appear by reference to the secret journals, did the resolution pass, directing the Declaration to be engrossed on parchment. This was accordingly done; and on the second of August following, when the engrossed copy was prepared, *and not before*, the Declaration was signed by the members, who on that day were present in congress. Among these was Mr. Carroll. Those members who were absent on the second of August, subscribed the Declaration as soon after as opportunity offered.

The above account is sustained, not only by the private and public journals of the congress of 1776, and by the letters of Mr. M'Kean,* one of the signers, but also from the following letter from Mr. Adams, while secretary of state.

“TO CHARLES CARROLL OF CARROLLTON.

“*Department of State,*

Washington, 24th June, 1824.

“SIR—In pursuance of a joint resolution of the two houses of congress, a copy of which is hereto annexed,

* Published in Nile's Register for 1817. Vol. XII. pp. 279, 307.

and by direction of the president of the United States, I have the honour of transmitting to you two *fac simile* copies of the original Declaration of Independence, engrossed on parchment, conformably to a secret resolution of congress of nineteenth July, 1776, to be signed by every member of congress, and accordingly signed on the second day of August, of the same year. Of this document, unparalleled in the annals of mankind, the original, deposited in this department, exhibits your name as one of the subscribers. The rolls herewith transmitted are copies as exact as the art of engraving can present, of the instrument itself, as well as of the signers to it.

“While performing the duty thus assigned me, permit me to felicitate you, and the country which is reaping the reward of your labours, as well that your hand was affixed to this record of glory, as that, after the lapse of near half a century, you survive to receive this tribute of reverence and gratitude, from your children, the present fathers of the land.

“With every sentiment of veneration, I have the honour of subscribing myself your fellow citizen,

JOHN QUINCY ADAMS.

“Doughoregan Manor,
September 15th, 1826.”

The engrossed copy of the Declaration of Independence was placed on the desk of the secretary of congress, on the second of August, to receive the signatures of the members, and Mr. Hancock, president of congress, during a conversation with Mr. Carroll, asked him

if he would sign it. "Most willingly," was the reply, and taking a pen, he at once put his name to the instrument. "There go a few millions," said one of those who stood by; and all present at the time agreed, that in point of fortune, few risked more than Charles Carroll of Carrollton.

A resolution having passed on the eighteenth of July, "that another member be added to the Board of War," Mr. Carroll was appointed, and continued actively engaged in its arduous duties while he remained in congress. During the investigation by the board of the disputes arising out of the Canada expedition, and in the consideration of the movements of the army in the north, the local knowledge which Mr. Carroll had acquired in his late journey, together with his acute observations upon the state of the country, and the character and disposition of the people, were of important service.

All the time that Mr. Carroll could spare from his duties in congress, he gave to the convention of Maryland, in which he still retained his seat; and in the latter part of 1776, was one of the committee appointed to draught the constitution of the state. In December, 1776, he was chosen to the senate of Maryland, being the first senate under the new constitution; and in February, 1777, he was re-appointed a delegate to congress by the general assembly.

Mr. Carroll continued in congress until the year 1778, when the treaty with France, removing from his mind all doubt as to the ultimate success of the war of the revolution, and his duty as a senator of Maryland requiring

his attendance in Annapolis, he resigned his seat, and for the future devoted himself to the local politics of his native state. In the year 1781, he was re-elected to the senate of Maryland, in which he had already served five years; and in December, 1788, was chosen representative of Maryland in the senate of the United States, immediately after the adoption of the federal constitution.

Congress then held its sessions in New York, whither Mr. Carroll repaired soon after his election, and took an active part in the business and discussions of the day, always adhering to, and strongly supporting, the federal party.

In order that the seats of the members of the senate might not all be vacated at the same time, it became necessary, according to the constitution, to vary the length of the first terms of service, so that the regular elections for the future would, while they produced an annual alteration, not occasion an entire change in any one year. To decide, therefore, who should remain senators for two years, who for four, and who for six, lots were cast, and Mr. Carroll fell into the first class, whose term of service expired at the end of the second annual session.

In 1791, Mr. Carroll vacated his seat in the senate of the United States, and in the same year was once more chosen to the senate of Maryland. In 1796, he was again re-elected; and in 1797, was one of the commissioners appointed to settle the boundary line between Virginia and Maryland. Mr. Carroll continued an active member of the senate of his native state until 1801,

when the democratic party carried their ticket, and he was left out. In the year last mentioned, he retired from public life, after having been a member of the first committees of observation, twice in the convention of Maryland, twice appointed delegate to congress, once chosen representative to the senate of the United States, and four times elected a senator of Maryland.

We have now reached the termination of Mr. Carroll's public life, in his sixty-third year, and see him retiring among his fellow citizens to the quiet enjoyments of his family circle. His life, from 1801, up to the present time, affords few materials for a biography. It has glided along, in that tranquil happiness which the full enjoyment of every faculty, the recollection of past honours, the possession of a large fortune, the affection and attention of children and grand-children, and the respect of his countrymen, could bestow; and in his ninetieth year, Charles Carroll of Carrollton finds his activity undiminished, his faculties unimpaired, and his feelings and affections buoyant and warm.

In 1825, one of Mr. Carroll's grand-daughters was married to the marquis of Wellesley, then viceroy of Ireland; and it is a singular circumstance, that one hundred and forty years after the first emigration of her ancestors to America, this lady should become vice-queen of the country from which they fled, at the summit of a system, which a more immediate ancestor had risked every thing to destroy; or, in the energetic and poetical language of bishop England, "that in the land from

which his father's father fled in fear, his daughter's daughter now reigns as queen."

"Like the books of the Sybil, the living signers of the Declaration of Independence increased in value as they diminished in number." On the third of July, 1826, there only remained—John Adams, Thomas Jefferson, and Charles Carroll of Carrollton. On the fourth of July, 1826, the fiftieth anniversary of the day on which they pledged their all to their country, when the ten millions who were indebted to them for liberty, were celebrating the year of jubilee; when the names of the three signers were on every lip, John Adams and Thomas Jefferson died, leaving Charles Carroll of Carrollton the last link between the past and present generations.

During thirty years passed in public life, embracing the most eventful period of the history of the United States, Mr. Carroll, as a politician was quick to decide, and prompt to execute. His measures were open and energetic, and he was more inclined to exceed than to fall short of the end which he proposed. As a speaker he was concise and animated; the advantages of travel and society made him graceful; books, habits of study and acute observation made him impressive and instructive. As a writer he was remarkably dignified; his arrangement was regular; his style was full, without being diffuse, and, though highly argumentative, was prevented from being dull by the vein of polite learning which was visible throughout.

In person Mr. Carroll is slight, and rather below the middle size. His face is strongly marked; his eye is

quick and piercing, and his whole countenance expressive of energy and determination. His manners are easy, affable, and graceful; and in all the elegancies and observances of polite society, few men are his superiors.



THOMAS NELSON, JR.



THOMAS NELSON, JR.

WILLIAM NELSON, father of the gentleman who is the subject of this memoir, was descended from a respectable English family settled at York, in the province of Virginia. He was a merchant of highly reputable character, and by his prudence, good management and industry, acquired a large fortune. This he invested from time to time, after the favourite usage of Virginia, in the purchase of large landed estates, and as he advanced in years, gradually withdrew himself from commercial pursuits. His honourable standing in private life, soon opened the way to public favours. He was appointed a member of the executive council, and at length became president of that body. From this circumstance, the chief executive and judicial duties of the colony for a time devolved upon him, for in the interval that elapsed between the administrations of lord Botetourt and lord Dunmore, he was called on to fill the office of governor. In this station he was obliged to preside over the general or supreme court of law and equity for the province, by which tribunal the civil and criminal jurisprudence was regulated. On the bench he was regarded as the ablest judge of his time, and his opinions

on most occasions were received with the highest respect, as well by the members of the bar as the parties in the cause. Indeed in the discharge of all his duties, he gave general satisfaction, and when he died, left behind him a character which entitled him to the highest veneration and respect. His honour was never sullied by the slightest stain, his generosity, benevolence, hospitality and extensive charity were spoken of by all who knew him, and had he lived to share in the struggle for his country's liberty, his patriotism would not have been less glowing than that which distinguished so many of his countrymen. He died a few years before the revolution, leaving five sons and a considerable fortune.

THOMAS NELSON, Jr. the subject of this memoir, was the eldest son of William Nelson. He was born at York, on the twenty-sixth of December, 1738. From his father he inherited not only a very large landed estate, which descended to him in common with his brothers; but he received also the entire amount of the partnership debts, which were estimated at forty thousand pounds, colonial currency, or about thirty thousand pounds sterling. In the summer of 1753, Mr. Thomas Nelson, being then in the fourteenth year of his age, was sent to England for his education. After spending some time at an excellent private school kept by a Mr. Newcomb, near Hackney, a village in the neighbourhood of London, he was removed to Cambridge. There he was entered of Trinity College, and had the good fortune to secure, as his private tutor, one of the best men, and most distinguished ornaments of the age, Dr.

Beilby Porteus, afterwards bishop of London. Virginia, indeed, owes much to this excellent man. Mr. Nelson was not the only one of her children who were at this period the objects of his care. He had a companion in the late Mr. Francis Corbin, of the Reeds, (son of the honourable Richard Corbin, of Laneville, who had been an early benefactor to the family of Dr. Porteus,) a gentleman long distinguished by his superior talents and attainments as a scholar, the excellence of his political principles, and the singular elegance and suavity of his manners. Thus pleasantly and fortunately situated Mr. Nelson remained until the close of the year 1761, when he returned to Virginia, his mind deeply imbued with a taste for literary knowledge which formed the delight of his subsequent years, and his principles both in politics and morals, firm, liberal and pious.

In August, 1762, he married Miss Lucy Grymes, a daughter of Philip Grymes, Esquire, of Brandon, in the neighbouring county of Middlesex, and with her settled at York, in an excellent and commodious house, which had probably been built for him by his father, nearly opposite to his own in the same town. Here, in the possession of an independent fortune which he had received from his father at his marriage, he lived in a style of much elegance and hospitality. By his long residence in England, he had acquired in a considerable degree, an attachment to the manners of its country gentlemen, and a fondness for their pursuits. These he somewhat adopted himself. He rode out daily to his plantation, a few miles from York, a servant generally

attending him with his fowling piece, and he often amused himself in shooting. He kept a pack of hounds at a small farm near the town, and in the winter exercised himself in company with his friends and neighbours, once or twice a week in a fox chase. His house was a scene of the most genteel and liberal hospitality: no gentleman ever stopped an hour in York without receiving an invitation to it, unless a previous acquaintance with him, and his hospitable character and manners rendered such an invitation unnecessary, according to the general mode at that time of visiting among gentlemen in Virginia. There were at this period about a dozen very genteel and opulent families, who resided in York, and maintained among each other an intercourse not to be surpassed in unaffected politeness, hospitality and friendship; and whenever a friend or acquaintance of either visited York, it was with difficulty he could leave it, until he had received the attentions and enjoyed the hospitality of the whole circle. Such was the harmony that prevailed in this little society, that no instance of its interruption on any occasion can be recollected. Thus situated, it will be believed Mr. Nelson passed his time in the full enjoyment of domestic happiness; but the troubles of his country soon called him from these gentler and perhaps more congenial pleasures, to oppose at first the petty tyranny of a provincial governor, and to array himself at last among the boldest champions of the nation in council and in war. His earlier years were adorned by all the charities of life, but his maturer age was devoted entirely to the severer duties of an upright citi-

zen—cari sunt parentes, cari liberi, propinqui, familiares; sed omnis omnium caritatum patriâ unâ complectitur.

At what period Mr. Nelson entered into public life, we have no means exactly to ascertain. In 1774, however, we find him in the house of burgesses, a delegate from his native town of York. It is not recollected that he took any prominent part in the debates of this assembly, over which the illustrious Peyton Randolph, afterwards president of congress, presided. There were many gentlemen older than himself in years, and political experience, by whom the discussions of the day were conducted; and he preferred the acquisition of knowledge from study and attentive observation, to the more glittering but unsubstantial reputation of a leader in debate. This house of delegates, it may be recollected, passed some strong resolutions against the Boston port bill, in consequence of which they were immediately dissolved by lord Dunmore. Eighty-nine of them, however, among whom was Mr. Nelson, assembled the next day at a tavern, and entered into the celebrated association, declaring the unwarranted invasion of their rights, their determination to persevere in avoiding all commercial intercourse with Great Britain, and recommending the appointment of deputies from the several colonies to meet in general congress.

On the dissolution of this assembly, he was again elected to the house of burgesses from the same county, and also a member of the first general convention, which met at Williamsburg on the first of August, 1774. In

the patriotic and important measures of this assembly, the character of Mr. Nelson assures us he acted his part, honourably and manfully. The unanimity however, which prevailed on this and generally on subsequent occasions in the several conventions of Virginia, renders all notice of the conduct of individual members equally superfluous and impracticable. All appeared to act in perfect concert and harmony, so that the voice of the individual was lost in that of the whole body.

In the month of March of the next year, 1775, we find Mr. Nelson, seated a second time in the general convention of the province; and taking a prominent part in a measure, the boldness of which startled some of the firmest friends of liberty. This measure was no less than the organization of a military force in the province; a step which, passing the line that yet seemed to bind the colonies to the mother country, placed them in the prominent position of a nation determined to gain or to hazard all. After the convention had passed several resolutions whose spirit was rather that of conciliation than resistance, Mr. Henry, one of the members, moved the following manly resolutions.

“Resolved, That a well regulated militia, composed of gentlemen and yeomen, is the natural strength and only security of a free government; that such a militia in this colony would forever render it unnecessary for the mother country to keep among us, for the purpose of our defence, any standing army of mercenary soldiers, always subversive of the quiet, and dangerous to the

liberties of the people, and would obviate the pretext of taxing us for their support.

“That the establishment of such a militia is, at this time, peculiarly necessary, by the state of our laws, for the protection and defence of the country, some of which are already expired, and others will shortly be so; and that the known remissness of government in calling us together in legislative capacity, renders it too insecure, in this time of danger and distress, to rely that opportunity will be given of renewing them, in general assembly, or making any provision to secure our inestimable rights and liberties, from those further violations with which they are threatened.

“Resolved, therefore, That this colony be immediately put into a state of defence, and that ————— be a committee to prepare a plan for embodying, arming and disciplining such a number of men, as may be sufficient for that purpose.”

These resolutions produced a long and interesting debate. Many of the best men in the house deprecated the measure as premature and dangerous; they relied strongly on favourable reports which had lately been received from London; they believed that the British ministry and parliament would at length listen to the voice of reason and justice; and that they were now more disposed to an accommodation, than they had appeared to be on any other occasion or under any other circumstances. On the other hand, the friends of the measure cautioned them against the delusive hopes which they indulged, and urged at least a preparation

for dangers which so imminently threatened them. Among these Mr. Nelson was conspicuous. He declared his determination to support it, if adopted, by his utmost exertions in that district where he held a command in the militia, should any occasion occur to render it necessary. As his residence was in a part of the country, the most exposed of any to attack, this declaration was censured as imprudent by many of his friends; but such was the generous ardour of his feelings, that no private interest could induce him to suppress them, at a time when he believed their influence would be beneficial to the general cause. The resolutions were adopted, and from that moment no doubt could be entertained of the course Virginia would pursue, if the British government continued to persist in their oppressive measures.

An incident soon occurred which proved that the organization of a military force had become entirely necessary, and that a plan had been recommended by the ministry, and secretly adopted by the governors, of removing arms and military stores beyond the reach of the people. The exportation of powder from Great Britain had been already prohibited; general Gage had seized the ammunition collected at Concord, in Massachusetts; and lord Dunmore determined not to forego his part in the same good work. On the twentieth of April, 1775, he accordingly seized and bore away all the powder in the magazine at Williamsburg. The particulars of this well known exploit it is unnecessary to detail. It produced an immediate and violent excitement throughout

the province; the militia assembled in all parts, and marched towards Williamsburg, determined to regain the property which had been fraudulently seized, or to make equivalent reprisals. Alarmed by this prompt and manly resistance, the governor promised that the whole affair should be satisfactorily accommodated; and Mr. Nelson assumed personally the disagreeable office of meeting the militia, and exerting his influence to prevent any injury to the person of lord Dunmore. During his absence on this mission, an act of unmanly violence was threatened, which aroused the indignation of the whole colony. Before daybreak on the morning of the fourth of May, captain Montague, the commander of the Fowey, a British man-of-war lying off the town of York, landed a party of men with the following letter, addressed to Mr. Nelson's uncle, who was president of council: "I have this morning received certain information, that his excellency lord Dunmore, governor of Virginia, is threatened with an attack, at daybreak this morning, at his palace at Williamsburg, and have thought proper to send a detachment from his majesty's ship under my command, to support his excellency: I therefore strongly pray you to make use of every endeavour to prevent the party from being molested and attacked, as in that case I shall be under a necessity to fire upon this town."

This infamous proceeding excited, as may well be imagined, the greatest indignation against captain Montague. Whatever grounds there might have been for his information respecting the attack said to be contem-

plated upon the governor's palace, nothing could be more cruel and unjust than to avenge it on the defenceless town of York and its inhabitants. The committee assembled at Williamsburg expressed their detestation of his conduct in the strongest terms. "The committee," say they, in a set of resolutions which they immediately published, "together with captain Montague's letter taking into consideration the time of its being sent, which was too late to permit the president to use his influence, had the inhabitants been disposed to molest and attack the detachment; and further considering that colonel Nelson, who, had this threat been carried into execution, must have been a principal sufferer, was at that very moment exerting his utmost endeavours in behalf of government, and the safety of his excellency's person, unanimously come to the following resolutions:

That captain Montague in threatening to fire upon a defenceless town, in case of an attack upon the detachment, in which said town might not be concerned, has testified a spirit of cruelty unprecedented in the annals of civilized times; that, in his late notice to the president, he has added insult to cruelty; and that, considering the circumstances already mentioned, of one of the most considerable inhabitants of said town, he has discovered the most hellish principles that can actuate a human mind.

That it be recommended to the inhabitants of this town, and to the country in general, that they do not entertain or show any other mark of civility to captain

Montague, besides what common decency and absolute necessity require.”

The affair of the powder was compromised the same day, by the payment of three hundred and twenty pounds, its estimated value, which was transmitted to the continental congress, and expended in the purchase of an equal quantity for the use of the colony. A short time afterwards, lord Dunmore removed himself and his family from the palace in Williamsburg on board the *Fowey*; and although most earnestly solicited to return by the house of burgesses and the council, then in session, he persisted in remaining in the vessel.

The third convention of Virginia delegates assembled at Richmond, on the seventeenth of July following. The proceedings of this convention were marked by a character of great decision and vigour. One of their first measures was an ordinance for raising and embodying a sufficient force for the defence and protection of the colony. By this ordinance it was provided, that two regiments of regulars, to consist of one thousand and twenty privates, rank and file, should be forthwith raised and taken into the pay of the colony; and a competent regular force was also provided for the protection of the western frontier. The whole colony was divided into sixteen military districts; with a provision, that a regiment of six hundred and eighty men, rank and file, should be raised on the eastern shore district, and a battalion of five hundred in each of the others; to be forthwith armed, trained, furnished with all military accoutrements, and ready to march at a minute's warning.

Immediately after passing this ordinance, the convention proceeded to appoint the various officers to command the new body of troops which they thus determined to organize. They elected Patrick Henry colonel of the first regiment, and Thomas Nelson, jr. colonel of the second; a third regiment was afterwards agreed to be raised, of which William Woodford was appointed colonel.

On the eleventh of August 1775, the convention proceeded to the appointment of delegates to represent the colony in the continental congress, for one year. General Washington had been called upon to take command of the armies of the United Colonies, and had accordingly repaired to Boston; Patrick Henry, as we have seen, had been placed at the head of the troops lately raised for the defence of Virginia; and the venerable Edmund Pendleton, weighed down by increasing years and declining health, had entreated permission to resign the arduous station he had hitherto held. These circumstances of course left a vacancy for the choice of three new delegates, as one of whom colonel Nelson was elected. In consequence of this appointment, he of course immediately resigned his station at the head of the second regiment of the Virginia forces and repaired to Philadelphia with his companions. He took his seat in congress on the thirteenth of September, 1775.

During the remainder of this year he continued at Philadelphia, acting frequently on various committees, but distinguished rather for his sound judgment and liberal sentiments, than from any conspicuous part in

debate. He became soon convinced however, that measures had proceeded too far on both sides, for either to yield, and that the time was rapidly approaching when a final stand ought to be made. In a letter which he wrote to his countryman, Mr. Page, afterwards governor of Virginia, on the twenty-second of January, 1776, he thus expressed himself, "I wish I knew the sentiments of our people upon the grand points of confederation and foreign alliance, or in other words, of independence; for we cannot expect to form a connexion with any foreign power, as long as we have a womanish hankering after Great Britain; and to be sure there is not in nature a greater absurdity, than to suppose we can have any affection for a people who are carrying on the most savage war against us." The first notice that the printed journals of congress take of this momentous subject, is on the seventh of June, 1776, in these words—"certain resolutions respecting independency being moved and seconded; Resolved, that the consideration of them be referred till to-morrow morning, and that the members be enjoined to attend punctually at ten o'clock, in order to take the same into consideration." It seems however more than probable, that although the subject was thus cautiously introduced among the measures of the house, it had been a matter of long and deep deliberation in the secret committee of congress. That it had been under the consideration at least of the individual members, seems evident from a subsequent letter of colonel Nelson's to the same intimate friend, dated on the thirteenth of February; in

this he says, "Independence, confederation and foreign alliance are as formidable to some of the congress, I fear a majority, as an apparition to a weak, enervated woman. Would you think that we have some among us, who still expect honourable proposals from the administration. By heavens" he continues, his ardent feelings strongly excited by the subject, "by heavens, I am an infidel in politics, for I do not believe, were you to bid a thousand pounds per scruple for honour at the court of Britian, that you would get as many as would amount to an ounce. If terms should be proposed they will savour so much of despotism, that America cannot accept them. We are now" he exclaims with increasing vehemence "carrying on a war and no war. They seize our property wherever they find it, either by land or sea; and we hesitate to retaliate, because we have a few friends in England who have ships. Away with such squeamishness, say I. What think you of the right reverend fathers in God, the bishops. One of them refused to ordain a young gentleman, who went from this country, because he was a rebellious American; so that unless we submit to parliamentary oppression, we shall not have the gospel of Christ preached among us, but let every man worship God under his own fig tree." As the season advanced, and the experience of every day showed the increasing necessity of the measure, he had the satisfaction to see his views gradually gaining ground, and at length the long wished for separation effected, by the declaration of independence. In the mean time he zealously devoted himself to the busi-

ness of the house, and displayed great activity on the various committees of which he was a member. Of these the principal were that for superintending the treasury department, an office of excessive labour, and for framing articles of confederation between the states one of equal difficulty and delicacy.

Nor were his constituents at home unmindful of his services. During his absence in congress, the convention met as usual and proceeded to the election of delegates to the next congress; when Mr. Nelson was returned as one of these for the succeeding year. It would be uninteresting to trace his name as it is found on the journals of congress, as a member of various committees through the remainder of this year, and the spring and summer of 1777. It will be enough to say, that his duties were frequently arduous, delicate and important in their nature and results, and that in their performance he was usually successful. This career of public usefulness was cut short by an unfortunate accident. On the second of May, while seated in the hall of congress, he was suddenly seized with an indisposition so violent as to oblige him immediately to leave the room. It appears to have been an attack of the head, and in one of his letters he mentions, that his memory was so much impaired at the time, that he could with difficulty recollect any thing. His reluctance to withdraw at that moment from a post where his services were so useful, was extreme, and he for some time persisted in remaining, with the vain hope that he would gradually recover. This, however, was not the case; he was obliged to obtain

leave of absence, and at the next meeting of the convention he resigned his seat, in which he was succeeded by Mr. Mason.

Mr. Nelson had not been long at home when his services were again demanded by the public. On the sixteenth of August, intelligence was received that a British fleet had entered the capes. The several corps of militia throughout the commonwealth were ordered to march to Williamsburg, York, Portsmouth, and other points likely to attract the attention of the foe. This call was obeyed with cheerful and honourable alacrity. The militia rapidly assembled at their respective places of rendezvous; and Thomas Nelson, then county lieutenant of York, was by the governor and council, immediately appointed brigadier general and commander in chief of the forces in the commonwealth. Combining the advantages of education with those of fortune; military skill and gallantry, with legislative talents and patriotic virtues; affable, modest and generous; Nelson was universally esteemed and beloved. His appointment, the emoluments of which he nobly declined, whilst he eagerly assumed its arduous duties, inspired the people and the army with fresh confidence and animating hopes. The approach of a fleet, in itself tremendous, was viewed by resolute and free citizens, with a calm and serene eye. Virginia, however, was not destined yet to be the theatre of action. Sir William Howe continued his course directly up the Chesapeake Bay, and the state was relieved, at least for a time, from the ravages of the enemy.

In the month of October following, an act was introduced and subsequently passed in the Virginia legislature, for the sequestration of British property. By this law, any citizen who was indebted to a subject of Great Britain, was authorized to pay the money into the loan office, taking a certificate from the same which should discharge him from the debt. The moneys thus brought in were, it is true, declared to remain in the treasury as the property of the creditors; and if the wives and children of any of them were left in the state, suitable allowances were to be made to them, by the governor and council, for their support. If used on account of the commonwealth, the sums so taken were to be repaid, unless the subsequent conduct of Great Britain should justify their detention as an act of retaliation. However plausible the principles of this measure may at first seem to be, as a proceeding against an alien enemy, it must be confessed there are so many objections to it, that we are not surprised at the opposition it met with from many of the most distinguished politicians of the day. Mr. Nelson was at this time a member of the legislature, and opposed it in the most decided manner. The estates which were thus suddenly confiscated, he urged, had been acquired, and these debts which were in fact discharged, had been incurred under the sanction of laws and relations known to both parties in the contract, and then held sacred. The conduct of the British government had offered no excuse, for as yet they had made no confiscation under similar inducements. Even the acts of that government, such as they had been, were

not the acts of individuals, and these alone were made to suffer by such a measure. But not only did he oppose it, he asserted, on the ground of injustice to these innocent persons, who might even have reprobated the very policy for which they were made to suffer; but he objected to it as a matter of ingratitude to creditors, who might, in many instances, be regarded as benefactors to persons whose capital was small, but on whose honour and integrity they relied. "For these reasons, sir," he exclaimed with honest vehemence after a long and powerful address, "for these reasons I hope the bill will be rejected; but whatever be its fate, by God, I will pay my debts, like an honest man." The momentary breach of order was overlooked and pardoned by the assembly, every member of which, whatever might have been his sentiments on the measure itself, viewed with respect the noble feelings which had caused it.

At this period of the revolution, the resources of the country had become almost completely exhausted, public credit was declining every day, and congress found it more and more difficult to raise and equip troops to supply the places of those whose time had expired or who were unfit for service. They determined at last to make a direct and personal appeal to the youthful ardour and generosity of their countrymen. On the second of March, 1778, they adopted the following resolutions:

"Whereas, it is essential to the operations of the army during the next campaign, that the most vigorous measures should forthwith be adopted for the forming a body of horse, upon such principles as are most likely

to advance the public interest and the honour of the officers and men who compose the same; and whereas, in times of public danger, when the lives, liberties, and property of a free people are threatened by a foreign and barbarous enemy, it is the duty of those who enjoy in a peculiar degree the gifts of fortune, and of a cultivated understanding, to stand forth in a disinterested manner in defence of their country, and by a laudable example to rouse and animate their countrymen to deeds worthy of their brave ancestors, and of the sacred cause of freedom:

Resolved, That it be earnestly recommended to the young gentlemen of property and spirit, in the states of New Hampshire, Massachusetts-Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia and North Carolina, forthwith to constitute, within their respective states, a troop or troops of light cavalry, to serve at their own expense, except in the article of provisions for themselves and forage for their horses, until the thirty-first day of December next:

That, in order to excite a proper spirit of emulation in these troops, and to give them an opportunity of appropriating that fame, which their respective merits may entitle them to, during the campaign, each troop shall bear the name of the state in which it is raised:

Resolved, That it be recommended to the governments of the respective states to countenance and encourage this design; and that the board of war transmit to

them forthwith, copies of the foregoing resolutions, together with a descriptive list of the accoutrements necessary for man and horse."

As soon as these resolutions were received in Virginia, Mr. Nelson, who had now been raised to the rank of a general officer, published a most animating and spirited address to the young gentlemen of fortune in that state. He urged them to follow the request of congress, and proposed a meeting at Fredericksburg on the twenty-fifth May, for carrying the measure into full effect. "I address myself," he said, "to the true sons of liberty. Of such, and such only, this corps must be composed. There are many gentlemen in this state, whose fortunes will enable them to equip themselves. They should step forth and set the example. I wish not, however, to confine volunteers to this class. We have among us noble spirited young men, whose patriotic zeal would prompt them to join us, did not their inability in point of fortune prevent them. Pity that they should be deprived of the opportunity of distinguishing themselves! To enable such, therefore, to enter into this service, I propose that such should be furnished with a horse and accoutrements by subscription in their respective counties; and surely those who remain at home, enjoying all the blessings of domestic life, will not hesitate to contribute liberally for such a purpose." In pursuance of this gallant enterprise, about seventy young men assembled, and after uniting themselves together in a voluntary company, they elected general Nelson their commanding officer. They proceeded immediately to

equip themselves for active service, but this in the state of the times and resources of the country, was an affair of considerable difficulty. At length, however, they were sufficiently organized and commenced their march to Baltimore, where they arrived early in the month of July. Here the little band was received and reviewed by colonel Pulaski, who was there at that time himself with the hope of raising a similar corps; he expressed his high admiration of their gallantry and excellent condition, and exerted himself in every mode, to obtain for them whatever was wanting to complete their equipment. At length every thing being prepared, they were ready to commence their march and join the main army under general Washington; their gallant and generous commander well knew, however, that many had embarked with him from the purest principles of patriotism, when their slender means ill warranted such an expedition. He called them together, therefore, on the eve of their departure; he explained to them his views; he encouraged them by his own animated confidence; and he held out to them the fair hope of remuneration at some more prosperous day. "If however," he concluded, "any one here is in want of money, let him repair to my quarters. I will myself supply him." Many accepted his offer as their wants became pressing and their means decreased. He was in fact the banker for the whole company; his generosity was displayed throughout the whole expedition; and as is unfortunately too often the result of such conduct, he finally suffered the loss of very considerable sums. From Baltimore he

marched to Philadelphia, whither on the retreat of Sir William Howe, congress had again returned; and held himself in readiness to proceed to the army. This, however, was now deemed inexpedient; for we find on the journals of the eighth of August the following notice:

“Whereas, in pursuance of the recommendation of congress of March the second, a volunteer corps of cavalry from the state of Virginia, under the command of the honourable general Nelson, are now in this city, on their way to the army, under the command of general Washington: and, whereas, the removal of the enemy from this state renders the employment of this corps at present unnecessary:

Resolved, That it be recommended to the said corps to return, and that the thanks of congress be given to the honourable general Nelson and the officers and gentlemen under his command, for their brave, generous and patriotic efforts in the cause of their country.” As soon as this resolution was passed general Nelson assembled the corps together, made a further advance of money from his individual funds to those who were in want, and then disbanded them.

This active exercise seems to have restored the health of Mr. Nelson, and he was again induced to listen to the wishes of his countrymen by becoming a delegate to congress. On the eighteenth of February, 1779, he took his seat in that assembly; and we soon after find him an active member of several important committees. He was especially engaged on that for forming a plan of defence for the southern states; an

object which had become of immense importance, since the British had determined to make it the future theatre of war. His constitution, however, was still unequal to the severe labour and confinement which these duties required. Early in April he experienced a return of the same illness with which he had been previously afflicted; and after a vain struggle to resist it and continue his political labours, he was compelled by increasing indisposition and the entreaties of his physicians and friends to return home.

He was not long permitted however, to enjoy the repose of domestic life. The services of the senate were given up, but he was soon called on for those of the field. In the month of May, Virginia became the victim of that system of rapine and plunder to which the British resorted, in violation of all rules of civilized and christian warfare. Having publicly avowed their resolution of pursuing those measures "which should make the colonies of as little avail as possible to their new connexions" they selected Virginia as one of the first scenes of operation. They sailed for Portsmouth, a small place on the western shore of Elizabeth river, and on their arrival took possession of that defenceless town. The remains of Norfolk, on the opposite side of the river, fell of course into their hands. The Americans burned some of their own vessels; but others were made prizes by the invaders. The British guards marched eighteen miles in the night, and, arriving at Suffolk by morning, proceeded to the destruction of vessels, naval stores and a large magazine of provisions, which had

been deposited in that place. A similar destruction was carried on at Kemp's landing, Shepherd's-gosport, Tanner's creek, and other places in the vicinity. The frigates and armed vessels were employed on the same business, along the margin of the rivers. Three thousand hogsheads of tobacco were taken at Portsmouth. Every house in Suffolk was burnt, except the church, and one dwelling house. The houses of several private gentlemen in the country shared the same fate. Above one hundred and thirty vessels were either destroyed or taken. All that were upon the stocks were burned, and every thing relative to the building or fitting of ships was either carried off or destroyed. After demolishing Fort Nelson, and setting fire to the store-houses, and other public buildings in the dock-yard at Gosport, the British embarked from Virginia, and returned with their prizes and booty safe to New York. The whole of this incursion was effected in less than three weeks; and it was over before a force could be collected to repel it. Immediately, however, on receiving intelligence of the landing of the enemy, general Nelson applied himself personally to the collection and organization of the militia and such troops as he could obtain. With these he had posted himself near York Town, as a point of the utmost importance, and which it was believed they intended to attack; although their subsequent measures showed a change in their plans of operation. On this occasion, General Nelson gave one of those proofs of benevolence, which characterized his conduct through life. Having a plantation near York, he sent all his

negroes and labourers, and even some of his domestic servants to work during their absence for the poor men of the neighbourhood, who had been called off from the support of their families to join the militia that had been suddenly assembled. This fact is mentioned on the personal knowledge and information of an old friend of general Nelson, who observes in communicating it, that he has reason to believe that the same generous and benevolent conduct was observed by him on some other occasions, both before and after it.

Early in June, 1780, the general assembly came to the resolution of borrowing two millions of dollars, to be placed in the continental treasury by the fifteenth of that month. The object of this supply was, to enable congress to make provision for the French fleet and armament, of whose immediate arrival the strongest assurances had been given. As soon as this measure was adopted, a copy of the resolution was sent to general Nelson, who commenced, without delay, the most active personal exertions to procure the assistance and contributions of his friends, and others with whom he was acquainted. Having effected all that was possible in his own neighbourhood, he made an excursion through the southern counties of the state, with the same patriotic motive. It was, however, a task of great difficulty. The resources of the country had been already drained. Its credit was gone. And those who possessed money, were afraid to trust it, on no better security than that of a government already too deeply involved, and with so little apparent means of extricating itself from its difficulties. The

consequences were such as might have been expected. Notwithstanding his uncommon influence, his applications in almost every instance proved unsuccessful. To his urgent importunities the constant reply was—"We will not lend the governor a shilling—but we will lend you, Thomas Nelson, all we can possibly raise." Thus situated, general Nelson determined, without hesitation, to add his own personal security to that of the government; and by so doing succeeded in raising, before his return to York, a considerable portion of the requisite loan. To those places where he was unable to go himself, he sent an agent with authority to use his name and pledge his fortune. It is to the consequences of this expedition that he alludes in a letter to his friend, Mr. Page, on the eighth of July of this year. "I came away," he says, "from Richmond in so great a hurry on the late alarm, that I did not bring the certificates for any of the money down. The treasurer had been so much engaged for several days that he had not made them out, but gave me a general receipt, specifying the gentlemen's names, and the sums they had lent. This general receipt Mr. Reynolds has, to get certificates for the individuals, and colonel Lewis shall have his through you, as soon as it comes to hand." There is reason to apprehend, that owing to some accidental circumstance or other, Mr. Reynolds may have been prevented from receiving all the certificates, as no member of general Nelson's family has ever been able to discover those for his own proportion of the loan. It also appears that in some instances, finding he could not obtain money even

on his own security, when the repayment was to be made in current money, he went so far as to give his bond for the amount to be repaid in tobacco at the price which it then brought. The price of this article afterwards rose to a great height, not only in paper currency, but in specie: he was obliged to redeem his obligations at a very great sacrifice, for which he never received any recompense from the public.

These are not the only losses he sustained from his patriotic readiness to aid the public credit, and afford assistance to those who had been employed in the service of the country without remuneration. There is a well authenticated tradition, that during the revolutionary war, two regiments stationed at York and Williamsburg, received orders to march southward. The government, however, was without funds and the soldiers refused to proceed until their arrears were discharged. General Nelson was informed of the circumstance. He advanced the money which was demanded without hesitation; and the troops immediately commenced their march.

The following spring is the most gloomy period in the annals of Virginia. On the sea coast she was exposed to the ravages of Arnold and Philips, and from the south she was overrun by the army of Cornwallis. Amid these scenes it will not be imagined that general Nelson was inactive. He was the favourite soldier of Virginia, and we hear of him in all directions, animating the troops by his energy and example, or planning expeditions to oppose the enemy. This, however, is not the place for dwelling in detail on events which are rather

matter of general history, and cannot be introduced with proper minuteness into a sketch like this. Passing over, therefore, the public events of the early part of the year 1781, we find general Nelson, in the month of June, summoned from his duties in the field to fill the supreme office of the commonwealth. At that period the constitutional term of Mr. Jefferson's service in the office of governor expired, and general Nelson was elected his successor. He was immediately called on to act with the utmost promptness. The enemy were overrunning the country in every direction, and he therefore determined at once to take the field with all the militia he could muster. The marquis de Lafayette had been sent to Virginia with a body of continental troops, to check the ravages of the British until some more definitive arrangements for the campaign could be made. Under the marquis, governor Nelson immediately placed himself and his troops. He yielded without hesitation, the rank which his office gave him in his own state, and thus united the whole forces in perfect harmony and discipline.

While on the one hand, however, in pursuit of the general good he yielded that to which his office fairly entitled him, the same great end sometimes obliged him to step beyond the boundaries which, in the administration of his public duties, the constitution drew around him. By that instrument it was declared, "that the governor should, with the advice of a council of state, exercise the powers of the government according to the laws of the commonwealth; and should not, under any pretence,

exercise any power of prorogation by virtue of any law, statute or custom of England." The legislature, aware of the difficulties of the times, the necessity of extraordinary measures, and the uncertainty and even danger which attended their meetings, when they were driven by Tarleton from Charlottesville to Staunton, passed a law by which "the governor, with the advice of the council, was empowered to procure, by impress or otherwise, under such regulations as they should desire, provisions of every kind, all sorts of clothing, accoutrements and furniture proper for the use of the army, negroes as pioneers, horses both for draught and cavalry, wagons, boats and other vessels with their crews, and all other things which might be necessary for supplying the militia or other troops employed in the public service." Bound by these strict provisions of the law, the governor was placed in a situation of much difficulty. Two members of the council had just fallen into the hands of Tarleton, the celebrated British officer who, with his chosen body of light horse, ravaged the country in every direction, and made every thing his prey; they were liberated, it is true, but only on giving their parole, that they would not resume their public duties. Two others had resigned, probably from the inconvenience or danger of remaining at the seat of government. The council was thus reduced to four members, the least number which, according to the constitution, was competent to transact business. In the dreadful state of the country, overrun in every direction by hostile armies, with little means of knowing the position of each other, with no

time to deliberate, and perhaps unacquainted with the nature and exigency of particular measures, it was vain to hope that these gentlemen could regularly perform the duties of a council of state. Yet it was with the advice of that council alone, that the governor could constitutionally act.

In this dilemma, Mr. Nelson was driven by necessity to perform many measures on his own authority and at his own responsibility—a course of conduct infinitely painful to a man of his sound political principles, and strict views of public rights. On the one hand, he saw and felt that he was departing from the line of his duty, as defined and limited by the laws of the commonwealth: on the other, he knew that its salvation, and indeed that of all the Union, was at stake. *Salus populi lex suprema*. He decided to risk censure, perhaps punishment, for his conduct, and pursue the disinterested course which promised the greatest general benefit to the whole community. This determination once formed, he promptly executed it. As soon as the allied army reached Virginia, every measure which his office, his public or personal influence, and his private wealth enabled him to adopt, was promptly done; and it was certainly owing, in no small degree, to his exertions, that the frail materials of the army were kept together until they secured the liberties of the country, by the glorious and final blow given to the enemy at Yorktown.

Need we say, that during that memorable siege, general Nelson was at the head of his militia, and participated with them in all the dangers and glories of the

enterprise? Before the walls of his native town, and in almost the last public action of his life, he displayed the same gallantry, the same disinterested patriotic zeal, which was so conspicuous in his earlier days, and in all the scenes of various adventure in which his fortune cast him. Tradition has preserved some anecdotes of those interesting times; but unfortunately we are fast losing, in the cold generalities of history, those neglected incidents which throw over it a livelier interest, and impart to it a stronger reality. One little event has been preserved, and deserves to be related. It is said of governor Nelson, that, during the siege, observing his own house uninjured by the artillery of the American batteries he inquired into the cause. A respect for his property, was assigned. Nelson, whose devotion to the common cause was ardent and unbounded, requested that the artillerists would not spare his house more than any other, especially as he knew it to be occupied by the principal officers of the British army. Two pieces were accordingly pointed against it. The first shot went through the house, and killed two of a large company of officers, then indulging in the pleasures of the table. Other balls soon dislodged the hostile tenants.

It will scarcely be thought out of place here to introduce an interesting occurrence, which has been preserved by a French officer who was present at the siege. It does not, indeed, relate to governor Nelson himself, but it relates to his favourite uncle, and may well claim preservation in the history of the nephew. Mr. Nelson had been for thirty years under the provincial govern-

ment, secretary of the executive council, when the disturbances in the colonies broke out—too far advanced in age to desire a revolution, too prudent to check this great event, if necessary, and too faithful to his countrymen to separate his interest from theirs, he chose the crisis of this alteration, to retire from public affairs. Thus did he opportunely quit the theatre, when new pieces demanded fresh actors, and took his seat among the spectators, content to offer up his wishes for the success of the drama, and to applaud those who acted well their part. But in the last campaign, chance introduced him on the scene, and made him unfortunately famous. He lived at York, where he had built a very handsome house, from which neither European taste nor luxury was excluded: a chimney-piece and some bass reliefs of very fine marble, exquisitely sculptured, were particularly admired, when fate conducted lord Cornwallis to this town to be disarmed, as well as his till then victorious troops. Secretary Nelson did not think it necessary to fly from the English, to whom his conduct could not have made him disagreeable, nor have furnished any just motive of suspicion. He was well received by the general, who established his head-quarters in his house, which was built on an eminence, near the most important fortifications, and in the most agreeable situation of the town. It was the first object which struck the sight as you approached the town, but instead of travellers, it soon drew the attention of our bombardiers and cannoniers, and was almost entirely destroyed. Mr. Nelson lived in it at the time our batteries tried their first

shot, and killed one of his negroes at a little distance from him, so that lord Cornwallis was soon obliged to seek another asylum. But what asylum could be found for an old man, deprived of the use of his legs by the gout? and, above all, what asylum could defend him against the cruel anguish a father must feel at being besieged by his own children; for he had two in the American army. So that every shot, whether fired from the town, or from the trenches, might prove equally fatal to him. This state of cruel anxiety was not to be endured; and a request was sent to the besieged commander, to permit Mr. Nelson to leave the town. After the flag of truce was sent to demand his father, one of the young men was observed to keep his eyes fixed upon the gate by which it was to return, and seemed to expect his own sentence in the answer. Lord Cornwallis had too much humanity to refuse a request so just, and the old gentleman was restored to his children and his friends.

When the adventures of the siege were terminated by the glorious reduction of the British army, the services of general Nelson were not forgotten. He had the gratification, too, to receive that meed of praise which he had so fairly won, from him who never bestowed it when undeserved, and whose praise or censure will stamp forever the character of those on whom it has fallen. General Washington thus speaks of him in his general orders of the twentieth of October, 1781. "The general would be guilty of the highest ingratitude, a crime of which he hopes he shall never be accused, if he forgot

to return his sincere acknowledgments to his excellency governor Nelson, for the succours which he received from him and the militia under his command, to whose activity, emulation and bravery, the highest praises are due. The magnitude of the acquisition will be ample compensation for the difficulties and dangers which they met with so much firmness and patriotism."

The constitution of governor Nelson, however, delicate as we have seen it to be, was not proof against the fatigues his arduous duties had obliged him to endure. He remained in office a month after the surrender of lord Cornwallis; but on the twentieth of November, 1781, we find a letter addressed by him to the speaker of the house of delegates, by which he retires from it. "The very low state of health," he says, "to which I am reduced, and from which I have little expectation of soon recovering, makes it my duty to resign the government, that the state may not suffer for want of an executive." His resignation was accepted, and a successor appointed.

After an arduous political life, and considerably advanced in years, Mr. Nelson again returned to private life, but he did not return to that unmolested enjoyment of it, which was the just reward of his services. There are always those who hang around the skirts of the good and manly, to annoy them with petty molestations and to gratify themselves by carping at and misinterpreting their conduct, through either a pitiful envy or a grasping selfishness. We have already adverted to the steps which necessity reluctantly compelled governor Nelson

to take, on the virtual extinction of the council of state. His resignation was scarcely accepted, when a petition and remonstrance was presented to the house of delegates, from sundry inhabitants of the county of Prince William. In this they stated among other things, that they laboured under divers grievances which had proceeded from the several acts of the legislature, vesting extraordinary powers in the executive, authorizing impresses, laying an embargo, and making the paper money a legal tender; that under these acts, the greatest violation and abuse of the laws had taken place; but that the late governor had still further assumed the power to dispense with the laws themselves, and disregarding their necessary and patriotic restraints, had issued his warrants without the advice of the executive council, and authorized impresses in the most unrestrained and arbitrary manner.

The effect of an accusation so unfounded, on such a man as Mr. Nelson, is not to be described. Although he appeared to be fast sinking into that grave which would bury his errors, and disappoint the mean vengeance of his enemies, he no sooner heard of the charge than he desired promptly to repel it. "I only ask," he immediately wrote to the speaker of the house of delegates "I only request that I may be indulged with half an hour, that I may lay before the house a candid statement of facts, and my reasons for adopting the measures which have given so much offence." His wish was of course immediately granted; his letter was referred to a committee on the state of the commonwealth, by whom

the charges were investigated, and they made a report absolving him from blame, which was twice read and agreed to without a dissenting voice. To the candid inquirer into the truths of history, this evidence will be all sufficient, yet it is to be regretted that the report itself is no longer in existence. In times of tumult and revolution, the regular record of events is often lost, and we are obliged to rely on such facts as prove the general result. In the journal of the day the report was never entered; in the place which it should occupy, a large blank is left with the words "as followeth," immediately preceding it, and the original document cannot now be found. One act of justice alone remained; it was to relieve Mr. Nelson from the unpleasant circumstances to which his patriotic conduct might subject him. This was done by an act of the legislature which we shall insert at length, as a tribute due to the memory of this excellent gentleman. It was passed on the thirty-first of December, 1781, and is as follows:

"An act to indemnify THOMAS NELSON, JUNIOR, Esquire, late governor of this commonwealth, and to legalize certain acts of his administration. Whereas, upon examination it appears that previous to and during the siege of York, Thomas Nelson, Esquire, late governor of this commonwealth, was compelled by the peculiar circumstances of the state and army, to perform many acts of government without the advice of the council of state, for the purpose of procuring subsistence and other necessities for the allied army under the command of his excellency general Washington; be it enacted

that all such acts of government, evidently productive of general good, and warranted by necessity, be judged and held of the same validity, and the like proceedings be had on them as if they had been executed by and with the advice of the council, and with all the formalities prescribed by law. And be it further enacted that the said Thomas Nelson, jr., Esquire, be and he hereby is in the fullest manner indemnified and exonerated from all penalties and dangers which might have accrued to him from the same."

After passing thus honourably through the ordeal of public opinion, Mr. Nelson determined to retire from political life, and fixed himself chiefly at a pretty little estate called Offly, in Hanover county. Here, surrounded by his numerous family, he brought back, in some degree, the gentler pleasures of his earlier youth, and assembled around him not only his own countrymen, but many a foreigner, who left his hospitable mansion delighted with his distinguished and benevolent host. One of these has left us an account of his visit, and illustrating as it does not only the mode of Mr. Nelson's life at this period, but the manners and customs of the country, it hardly seems necessary to apologize for its insertion. "On the left side of the South Anna river," says the marquis de Chastellux, "the ground rises, and you mount a pretty high hill, the country is barren, and we travelled almost always in the woods, till one o'clock, when we arrived at Offly, and alighted at general Nelson's, formerly governor of Virginia. I had got acquainted with him during the expedition to York, at

which critical moment he was governor, and conducted himself with the courage of a brave soldier, and the zeal of a good citizen. General Nelson himself was not at home when I arrived, but in his absence his mother and wife received us with all the politeness, ease and cordiality natural to his family. But as in America the ladies are never thought sufficient to do the honours of the house, five or six Nelsons were assembled to receive us; amongst others, the secretary Nelson, uncle to the general, with his two sons, and two of the general's brothers. These young men were all married, and several of them were accompanied by their wives and children, all called Nelson, and distinguished only by their christian names, so that during the two days which I passed in this truly patriarchal house, it was impossible for me to find out their degrees of relationship. When I say that we passed two days in this house, it may be understood in the most literal sense, for the weather was so bad, there was no possibility of stirring out. The house being neither convenient nor spacious, the company assembled either in the parlour or saloon, especially the men, from the hour of breakfast, to that of bed-time, but the conversation was always agreeable and well supported. If you were desirous of diversifying the scene, there were some good French and English authors at hand. An excellent breakfast at nine in the morning, a sumptuous dinner at two o'clock, tea and punch in the afternoon, and an elegant little supper, divided the day most happily, for those whose stomachs were never unprepared. It is worth observing, that

on this occasion, where fifteen or twenty people, (four of whom were strangers to the family or country,) were assembled together, and by bad weather forced to stay within doors, not a syllable was mentioned about play. How many parties of trictrac, whist, and lotto would with us have been the consequence of such obstinate bad weather? Perhaps, too, some more rational amusements might have varied the scene agreeably; but in America, music, drawing, public reading, and the work of the ladies, are resources as yet unknown, though it is to be hoped they will not long neglect to cultivate them. The young ladies, who appeared from time to time, never interrupted the conversation. These pretty nymphs, more timid and wild than those of Diana, though they did not conduct the chase, inspired the taste for it in the youth: they knew, however, how to defend themselves from fox-hunters, without destroying, by their arrows, those who had the presumption to look at them."

From the period of Mr. Nelson's retirement, his health continued to decline. He never afterwards engaged in any public transactions, but lived alternately at his seat in Hanover county, and his house at York, where he had formerly resided, until his death. This event happened at the former place on the fourth of January, 1789, just after he had completed his fiftieth year. He descended into the grave honoured and beloved; and alas! of his once vast estates, that honour and love was almost all that he left behind him. He had spent a princely fortune in his country's service;

his horses had been taken from the plough, and sent to drag the munitions of war; his granaries had been thrown open to a starving soldiery, and his ample purse had been drained to its last dollar, when the credit of Virginia could not bring a sixpence into her treasury. Yet it was the widow of this man who, beyond eighty years of age, blind, infirm and poor, had yet to learn whether republics can be grateful.

After the simple narrative which we have here given of the principal events of Mr. Nelson's life, no laboured eulogy of his character and virtues will be demanded, yet we cannot forbear concluding our sketch by a just delineation of his public and private virtues—a spontaneous offering of friendship and genius, from the pen of colonel Innis.

“The illustrious general THOMAS NELSON is no more! He paid the last great debt to nature, on Sunday, the fourth of the present month, at his estate in Hanover. He who undertakes barely to recite the exalted virtues which adorned the life of this great and good man, will unavoidably pronounce a panegyric on human nature. As a man, a citizen, a legislator and a patriot, he exhibited a conduct untarnished and undebased by sordid or selfish interests, and strongly marked with the genuine characteristics of true religion, sound benevolence and liberal policy. Entertaining the most ardent love for civil and religious liberty, he was among the first of that glorious band of patriots whose exertions dashed and defeated the machinations of British tyranny and gave to United America, freedom and independent

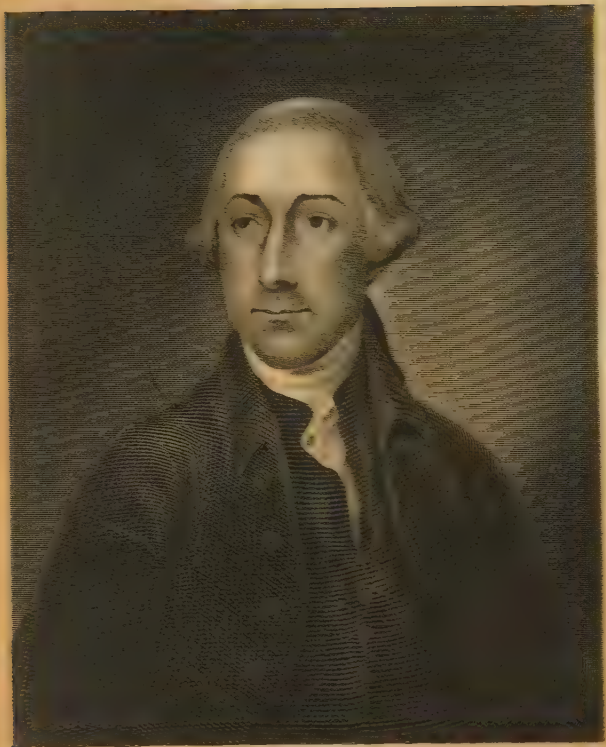
empire. At a most important crisis during the late struggle for American liberty, when this state appeared to be designated as the theatre of action for the contending armies, he was selected by the unanimous suffrage of the legislature to command the virtuous yeomanry of his country; in this honourable employment he remained until the end of the war; as a soldier he was indefatigably active and coolly intrepid; resolute and undejected in misfortunes, he towered above distress and struggled with the manifold difficulties to which his situation exposed him, with constancy and courage. In the memorable year 1781, when the whole force of the southern British army was directed to the immediate subjugation of this state, he was called to the helm of government; this was a juncture which indeed "tried men's souls." He did not avail himself of this opportunity to retire in the rear of danger, but on the contrary took the field at the head of his countrymen; and at the hazard of his life, his fame and individual fortune, by his decision and magnanimity he saved not only his country but all America from disgrace, if not from total ruin. Of this truly patriotic and heroic conduct, the renowned commander in chief with all the gallant officers of the combined armies employed at the siege of York will bear ample testimony; this part of his conduct even contemporary jealousy, envy and malignity were forced to approve, and this, more impartial posterity if it can believe, will almost adore. If, after contemplating the splendid and heroic parts of his character, we shall inquire for the milder virtues of humanity and seek

for the man, we shall find the refined, beneficent and social qualities of private life, through all its forms and combinations, so happily modified and united in him, that in the words of the darling poet of nature, it may be said

“His life was gentle; and the elements
So mixed in him, that nature might stand up
And say to all the world—this was a man.”

JOSEPH HEWES.





JOSEPH HEWES.

Member of the Continental Congress,
and one of the signers of the Declaration of Independence.

HEWES.

CONCERNING JOSEPH HEWES, the circumstances known are much less abundant and particular than we desire. Nearly half a century has passed since he died, he left no children, and no very near relatives now survive, from whom the details of his life could be ascertained.

His parents were members of the society of friends, and at the time of their marriage resided in the colony of Connecticut, in one of the settlements the farthest removed from the coast of the Atlantic.

In this situation they were obliged to bear the double persecution arising from the often excited hostility of the Indians, who roved through the forests in their vicinity, and the prejudice still remaining among the puritans of New England, against all that wore the quaker habiliments or professed the quaker doctrines.

For persons of this persuasion, and indeed for all that were ambitious of a quiet and secure life, a residence in either Connecticut or Massachusetts, was at that period far from desirable.

The government of Massachusetts had, in order to "promote enterprise and encourage volunteers," raised the premium on Indian scalps and prisoners to one hun-

dred pounds for each; and in the temper of mind which is sufficiently indicated by such an enactment, a bitter and murderous warfare was waged against the natives of the forest, attended with circumstances often discreditable to the humanity of the white men, and with instances of reprisals and retaliation on the part of the Indians involving the most shocking barbarities.

The province of Connecticut had refused to unite in any measures of war that were not defensive; but the Indians were not always careful to observe the boundary line between the two colonies, or to discriminate between people so closely resembling each other in manners and appearance.

The inoffensive and industrious farmers of Connecticut were therefore exposed to suffer the vengeance intended to be dealt upon the scalping parties of Massachusetts, and many of them moved off from the lands they had prepared for cultivation, to seek a more secure asylum in a southern colony.

Among these emigrants were Aaron and Providence Hewes, who made their escape from the scene of savage warfare not without difficulty and imminent personal risk; so near, indeed, were they to the scene of danger, that in crossing the Housatanic river, they were almost overtaken by the Indians, and were within the actual range of their bullets, one of which wounded *Providence* in the neck.

They took up their abode near Kingston, in New Jersey, where they found a peaceful and secure dwel-

ling-place, and where they remained to the end of their lives.

Their son Joseph was born in the year 1730, and after enjoying the advantages of education common at that period, in the immediate neighbourhood of Princeton college, he went to Philadelphia to acquire a knowledge of commercial business.

He entered, as soon as his term of apprenticeship in a compting-house was closed, into the bustle and activity of trade; and availing himself of the fortunate situation of the colonies in respect to commerce, and the great opportunities then afforded by the British flag, particularly when used to protect American ships, he was soon one of the large number of thriving colonial merchants, whose very prosperity became a lure to Great Britain, and induced her to look to this country for a revenue.

Mr. Hewes did not remove to North Carolina until he was thirty years of age, previous to which time he had been residing at New York and Philadelphia alternately, with occasional and frequent visits to his friends in New Jersey.

Having made choice of Edenton for his future home, he soon became distinguished in the community of that city for his successful career as a merchant, his liberal hospitalities, great probity and honour, and his agreeable social qualities.

Although nearly a stranger in the state, he was very shortly invited to take a seat in the colonial legislature of North Carolina,—an office to which he was repeatedly

chosen, and which he always filled with advantage to the people of that colony, and with credit to himself.

When the British ministry had proceeded so far as to close the port of Boston,—thus by a most decided and severe act evincing their fixed determination to proceed in their plan of taxing the colonies,—and the committees of correspondence instituted first at Boston and afterwards elsewhere, had proposed a meeting of deputies to a general congress to be held at Philadelphia, Mr. Hewes was one of three citizens selected by North Carolina to represent her in such assembly.

On the fourth of September, in the year 1774, this first congress began their session; and on the fourteenth of the same month, Mr. Hewes arrived and took his seat.

The members were generally elected by the authority of the colonial legislatures; but in some instances, a different system had been pursued. In New Jersey and Maryland, the elections were made by committees chosen in the several counties for that particular purpose; and in New York, where the royal party was very strong, the people themselves assembled in those places where the spirit of opposition to the claims of parliament prevailed, and elected deputies who were received into congress, it being known that no legislative act authorizing the election of members to represent that colony in such a meeting, could have been obtained.

The powers, too, with which the representatives of the several colonies were invested, were not only variously expressed, but were of various extent. Most

generally they were authorized to consult and advise on the means most proper to secure the liberties of the colonies, and to restore the harmony formerly subsisting between them and the mother country. In some instances, the powers given appear to contemplate only such measures as would operate on the commercial connexion between the two countries; in others, the discretion was unlimited.

The credentials of Mr. Hewes spoke a bolder language than was found in those of most of the delegates; while the greater part of the colonies professed, in appointing the members, an earnest desire of reconciliation, and named the return of harmony as the principal object of their assembling,—North Carolina resolved, by a general meeting of deputies of the inhabitants of the province, that the people approved of the proposal of a general congress to be held at Philadelphia, to deliberate on the state of British America, and “to take such measures as they may deem prudent to effect the purpose of describing with certainty the rights of Americans, repairing the breach made in those rights, and for guarding them for the future from any such violations done under the sanction of public authority.”

The delegates were accordingly invested by this meeting of deputies, with such powers as might “make any acts done by them, or consent given in behalf of this province, obligatory in honour upon every inhabitant thereof who is not an alien to his country’s good, and an apostate to the liberties of America.”

But, however diversified may have been the instructions and powers given to the colonial delegates chosen for this congress; certainly a separation from Great Britain was no part of the object then in view. Reconciliation and the restoration of harmony under the regal government was the aim and the desire of all, although the means of obtaining such a result were variously estimated as involving more or less of forcible resistance.

Immediately after the assembling of congress two important committees had been appointed to whom in fact nearly all the business of the congress was entrusted. The one was to "state the rights of the colonies in general, the several instances in which those rights are violated or infringed, and the means most proper to be pursued for obtaining a restoration of them." The other was to "examine and report the several statutes which affect the trade and manufacture of the colonies."

To the first of these committees Mr. Hewes was added very soon after he took his seat, and contributed his assistance to the preparation of their report.

The committee made their report with little delay, and on the fourteenth day of October, it was adopted, as follows:

"Whereas, since the close of the last war, the British parliament, claiming a power, of right, to bind the people of America by statutes in all cases whatsoever, hath in some acts expressly imposed taxes on them, and in others, under various pretences, but in fact for the purpose of raising a revenue, hath imposed rates and duties payable in these colonies, established a board of commis-

sioners, with unconstitutional powers, and extended the jurisdiction of courts of admiralty, not only for collecting the said duties, but for the trial of causes merely arising within the body of a county.

“ And whereas, in consequence of other statutes, judges, who before held only estates at will in their offices, have been made dependent on the crown alone for their salaries, and standing armies kept in times of peace: And whereas it has lately been resolved in parliament, that by force of a statute, made in the thirty-fifth year of the reign of king Henry the Eighth, colonists may be transported to England, and tried there upon accusations for treasons and misprisions, or concealments of treasons committed in the colonies, and by a late statute, such trials have been directed in cases therein mentioned:

“ And whereas, in the last session of parliament, three statutes were made: one entitled, ‘ An act to discontinue in such manner and for such time as are therein mentioned, the landing and discharging, lading, or shipping of goods, wares, and merchandise, at the town, and within the harbour of Boston, in the province of Massachusetts Bay in North America;’ another entitled, ‘ An act for the better regulating the government of the province of Massachusetts bay in New England;’ and another entitled, “ An act for the impartial administration of justice, in the cases of persons questioned for any act done by them in the execution of the law, or for the suppression of riots and tumults, in the province of the Massachusetts Bay in New England: And another

statute was then made, 'for making more effectual provision for the government of the province of Quebec, &c.' All which statutes are impolitic, unjust, and cruel, as well as unconstitutional, and most dangerous, and destructive of American rights:

And whereas, assemblies have been frequently dissolved, contrary to the rights of the people, when they attempted to deliberate on grievances; and their dutiful, humble, loyal, and reasonable petitions to the crown for redress, have been repeatedly treated with contempt, by his majesty's ministers of state:

The good people of the several colonies of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Newcastle, Kent, and Sussex on Delaware, Maryland, Virginia, North Carolina, and South Carolina, justly alarmed at these arbitrary proceedings of parliament and administration, have severally elected, constituted, and appointed deputies to meet and sit in general congress, in the city of Philadelphia, in order to obtain such establishment, as that their religion, laws, and liberties, may not be subverted: Whereupon the deputies so appointed being now assembled, in a full and free representation of these colonies, taking into their most serious consideration, the best means of attaining the ends aforesaid, do in the first place, as Englishmen their ancestors in like cases have usually done, for asserting and vindicating their rights and liberties, Declare,

That the inhabitants of the English colonies in North America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following Rights.

1. That they are entitled to life, liberty and property; and they have never ceded to any sovereign power whatever, a right to dispose of either without their consent.

2. That our ancestors who first settled these colonies, were at the time of their emigration from the mother country, entitled to all the rights, liberties and immunities of free and natural born subjects, within the realm of England.

3. That by such emigration they by no means forfeited, surrendered or lost any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them, as their local and other circumstances enable them to exercise and enjoy.

4. That the foundation of English liberty and of all free government, is, a right in the people to participate in their legislative council; and as the English colonists are not represented, and from their local and other circumstances cannot properly be represented in the British parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed;

But from the necessity of the case, and a regard to the mutual interests of both countries, we cheerfully consent to the operation of such acts of the British parliament, as are bona fide, restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members; excluding every idea of taxation internal or external, for raising a revenue on the subjects in America without their consent.

5. That the respective colonies are entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law.

6. That they are entitled to the benefit of such of the English statutes, as existed at the time of their colonization; and which they have, by experience, respectively found to be applicable to their several local and other circumstances.

7. That these, his majesty's colonies, are likewise entitled to all the immunities and privileges granted and confirmed to them by royal charters, or secured by their several codes of provincial laws.

8. That they have a right peaceably to assemble, consider of their grievances, and petition the king; and that all prosecutions, prohibitory proclamations, and commitments for the same, are illegal.

9. That the keeping a standing army in these colonies, in times of peace, without the consent of the legislature of that colony in which such army is kept, is against law.

10. It is indispensably necessary to good government, and rendered essential by the English constitution, that the constituent branches of the legislature be independent of each other; that, therefore, the exercise of legislative power in several colonies, by a council appointed, during pleasure, by the crown, is unconstitutional, dangerous, and destructive to the freedom of American legislation.

All and each of which the aforesaid deputies in behalf of themselves, and their constituents, do claim, demand, and insist on, as their indubitable rights and liberties; which cannot be legally taken from them, altered or abridged by any power whatever, without their own consent, by their representatives in their several provincial legislatures.

In the course of our inquiry, we find many infringements and violations of the foregoing rights, which, from an ardent desire that harmony and mutual intercourse of affection and interest may be restored, we pass over for the present, and proceed to state such acts and measures as have been adopted since the last war, which demonstrate a system formed to enslave America.

That the following acts of parliament are infringements and violations of the rights of the colonists; and that the repeal of them is essentially necessary, in order to restore harmony between Great Britain and the American colonies, viz.

The several acts of 4 Geo. III. ch. 15. and ch. 34.—5 Geo. III. ch. 25.—6 Geo. III. ch. 52.—7 Geo. III. ch. 41. and ch. 46.—8 Geo. III. ch. 22. which impose

duties for the purpose of raising a revenue in America, extend the power of the admiralty courts beyond their ancient limits, deprive the American subject of trial by jury, authorize the judges certificate to indemnify the prosecutor from damages, that he might otherwise be liable to, requiring oppressive security from a claimant of ships and goods seized, before he shall be allowed to defend his property, and are subversive of American rights.

Also 12 Geo. III. ch. 24. intituled, "An act for the better securing his majesty's dock-yards, magazines, ships, ammunition, and stores," which declares a new offence in America, and deprives the American subject of a constitutional trial by jury of the vicinage, by authorizing the trial of any person charged with the committing any offence described in the said act out of the realm, to be indicted and tried for the same in any shire or county within the realm.

Also the three acts passed in the last session of parliament, for stopping the port and blocking up the Harbour of Boston, for altering the charter and government of Massachusetts-Bay, and that which is intituled, "An act for the better administration of justice, &c."

Also the act passed in the same session for establishing the Roman Catholic religion in the province of Quebec, abolishing the equitable system of English laws, and erecting a tyranny there, to the great danger, (from so total a dissimilarity of religion, law and government) of the neighbouring British colonies, by the assistance

of whose blood and treasure the said country was conquered from France.

Also the act passed in the same session, for the better providing suitable quarters for officers and soldiers in his majesty's service in North America.

Also, that the keeping a standing army in several of these colonies, in time of peace, without the consent of the legislature of that colony in which such army is kept, is against law.

To these greivous acts and measures, Americans cannot submit, but in hopes their fellow subjects in Great Britain will, on a revision of them, restore us to that state in which both countries found happiness and prosperity, we have for the present only resolved to pursue the following peaceable measures; 1. To enter into a non-importation, non-consumption and non-exportation agreement or association; 2. To prepare an address to the people of Great Britain, and a memorial to the inhabitants of British America; and 3. To prepare a loyal address to his majesty, agreeable to resolutions already entered into."

The non-importation agreement thus recommended and determined to be adopted, was a very remarkable event in the annals of the revolution. It could only have been thought of by men having the most perfect confidence in the integrity and patriotism of the people, without whose universal and strict resolution to maintain it, such a measure would be palpably unavailing. A system of privation not enforced by any law, nor guarded with any penal sanctions, but resting entirely on the

deep and general sense of wrongs inflicted, and of the necessity of a united effort to obtain redress,—it evinced a steady resolution, a sober patriotism, and a generous sacrifice of selfish views to the common good, unequalled in the history of the world.

If any class of people more than the rest were entitled to particular praise for the patriotic ardour which induced them to join in this combination, it was unquestionably the mercantile part of the community, who sacrificed not only many of the comforts and enjoyments of life, but gave up also the very means of their subsistence, in relinquishing the importing trade to which they had been accustomed to devote their capital and labour.

Mr. Hewes was a merchant, and a successful one. He had been for more than twenty years engaged in the sale of merchandise imported chiefly from England and the British dependencies; but he did not hesitate on this occasion to assist in the preparation of the plan, to vote for it, and to affix his own name to the compact.

The association recited, in the first place, the injuries inflicted on the colonies by the various acts of the British government, against which the report of the committee had been directed, and then declares, that to obtain redress for these grievances a non-importation, non-consumption, and non-exportation agreement, faithfully adhered to, would prove the most speedy, effectual and peaceable measure, and “therefore,” it proceeds, “we do, for ourselves, and the inhabitants of the several colonies whom we represent, firmly agree and associate

under the sacred ties of virtue, honour and love of our country, as follows :

First. That from and after the first day of December next, we will not import into British America, from Great Britain or Ireland, any goods, wares or merchandise whatsoever, or from any other place, any such goods, wares or merchandise, as shall have been exported from Great Britain or Ireland ; nor will we, after that day, import any East India tea from any part of the world ; nor any molasses, syrups, paneles, coffee, or pimento, from the British plantations or from Dominica ; nor wines from Madeira, or the Western Islands ; nor foreign indigo.

Second. We will neither import, nor purchase any slave imported after the first day of December next ; after which time, we will wholly discontinue the slave trade, and will neither be concerned in it ourselves, nor will we hire our vessels, nor sell our commodities or manufactures to those who are concerned in it.

Third. As a non-consumption agreement, strictly adhered to, will be an effectual security for the observation of the non-importation, we as above, solemnly agree and associate, that from this day, we will not purchase or use any tea imported on account of the East India company, or any on which a duty hath been or shall be paid ; and from and after the first day of March next, we will not purchase or use any East India tea whatever ; nor will we, nor shall any person for or under us, purchase or use any of those goods, wares, or merchandise, we have agreed not to import, which we shall know, or have

cause to suspect, were imported after the first day of December, except such as come under the rules and directions of the tenth article hereafter mentioned.

Fourth. The earnest desire we have not to injure our fellow-subjects in Great Britain, Ireland, or the West Indies, induces us to suspend a non-exportation, until the tenth day of September, 1775; at which time, if the said acts and parts of acts of the British parliament herein after mentioned, are not repealed, we will not, directly or indirectly, export any merchandise or commodity whatsoever to Great Britain, Ireland, or the West Indies, except rice to Europe.

Fifth. Such as are merchants, and use the British and Irish trade, will give orders, as soon as possible, to their factors, agents and correspondents, in Great Britain and Ireland, not to ship any goods to them, on any pretence whatsoever, as they cannot be received in America; and if any merchant, residing in Great Britain or Ireland, shall directly or indirectly ship any goods, wares or merchandise, for America, in order to break the said non-importation agreement, or in any manner contravene the same, on such unworthy conduct being well attested, it ought to be made public; and, on the same being so done, we will not from thenceforth have any commercial connexion with such merchant.

Sixth. That such as are owners of vessels will give positive orders to their captains, or masters, not to receive on board their vessels any goods prohibited by the said non-importation agreement, on pain of immediate dismissal from their service.

Seventh. We will use our utmost endeavours to improve the breed of sheep and increase their number to the greatest extent; and to that end, we will kill them as seldom as may be, especially those of the most profitable kind; nor will we export any to the West Indies or elsewhere; and those of us, who are or may become overstocked with, or can conveniently spare any sheep, will dispose of them to our neighbours, especially to the poorer sort, on moderate terms.

Eighth. We will in our several stations encourage frugality, economy, and industry, and promote agriculture, arts, and the manufactures of this country, especially that of wool; and will discountenance and discourage every species of extravagance and dissipation, especially all horse racing, and all kinds of gaming, cock fighting, exhibitions of shows, plays, and other expensive diversions and entertainments; and on the death of any relation or friend, none of us, or any of our families will go into any further mourning dress than a black crape or ribbon on the arm or hat for gentlemen, and a black ribbon and necklace for ladies, and we will discontinue the giving of gloves and scarves at funerals.

Ninth. Such as are venders of goods and merchandise will not take advantage of the scarcity of goods that may be occasioned by this association, but will sell the same at the rates we have been respectively accustomed to do, for twelve months last past.—And if any vender of goods or merchandise shall sell any such goods on higher terms, or shall in any manner, or by any device whatsoever, violate or depart from this agreement, no

person ought, nor will any of us deal with any such person, or his, or her factor or agent, at any time thereafter, for any commodity whatever.

Tenth. In case any merchant, trader, or other persons shall import any goods or merchandise after the first day of December, and before the first day of February next, the same ought forthwith, at the election of the owner, to be either re-shipped or delivered up to the committee of the county, or town wherein they shall be imported, to be stored at the risk of the importer, until the non-importation agreement shall cease, or be sold under the direction of the committee aforesaid ; and in the last mentioned case, the owner or owners of such goods shall be reimbursed (out of the sales) the first cost and charges, the profit, if any, to be applied towards relieving and employing such poor inhabitants of the town of Boston, as are immediate sufferers by the Boston port-bill ; and a particular account of all goods so returned stored, or sold, to be inserted in the public papers ; and if any goods or merchandise shall be imported after the said first day of February, the same ought forthwith to be sent back again, without breaking any of the packages thereof.

Eleventh. That a committee be chosen in every county, city, and town, by those who are qualified to vote for representatives in the legislature, whose business it shall be attentively to observe the conduct of all persons touching this association ; and when it shall be made to appear to the satisfaction of a majority of any such committee, that any person within the limits of their

appointment has violated this association, that such majority do forthwith cause the truth of the case to be published in the Gazette; to the end, that all such foes to the rights of British America may be publicly known, and universally contemned as the enemies of American liberty; and thenceforth we respectively will break off all dealings with him or her.

Twelfth. That the committee of correspondence in the respective colonies do frequently inspect the entries of the custom houses, and inform each other from time to time of the true state thereof, and of every other material circumstance that may occur relative to this association.

Thirteenth. That all manufactures of this country be sold at reasonable prices, so that no undue advantage be taken of a future scarcity of goods.

Fourteenth. And we do further agree and resolve, that we will have no trade, commerce, dealings or intercourse whatsoever, with any colony or province, in North America, which shall not accede to, or which shall hereafter violate this association, but will hold them as unworthy of the rights of freemen, and as inimical to the liberties of their country.

And we do solemnly bind ourselves and our constituents, under the ties aforesaid, to adhere to this association until such parts of the several acts of parliament passed since the close of the last war, as impose or continue duties on tea, wine, molasses, syrups, paneles, coffee, sugar, pimento, indigo, foreign paper, glass, and painters' colours, imported into America, and extend the

powers of the admiralty courts beyond their ancient limits, deprive the American subject of trial by jury, authorize the judge's certificate to indemnify the prosecutor from damages, that he might otherwise be liable to from a trial by his peers, require oppressive security from a claimant of ships or goods seized, before he shall be allowed to defend his property, are repealed.—And until that part of the act of the 12 G. 3. ch. 24. entitled “An act for the better securing his majesty's dockyards, magazines, ships, ammunition, and stores,” by which any persons charged with committing any of the offences therein described, in America, may be tried in any shire or county within the realm, is repealed.—And until the four acts passed the last session of parliament, viz. that for stopping the port and blocking up the harbour of Boston.—That for altering the charter and government of the Massachusetts Bay.—And that which is entitled, “An act for the better administration of justice, &c.”—And that “For extending the limits of Quebec, &c.” are repealed. And we recommend it to the provincial conventions, and to the committees in the respective colonies, to establish such farther regulations as they may think proper, for carrying into execution this association.”

Congress, after adopting an address to the people of Great Britain,—an address to the king, and one to the people of Canada, all distinguished by uncommon elegance and force of diction, and having resolved that it was expedient to meet again in May of the succeeding

year, adjourned on the twenty-sixth of October, and Mr. Hewes returned to his home in North Carolina.

In the ensuing spring, a convention of that colony was held at Newbern, when Mr. Hewes was elected a member of the continental congress about to assemble, and the general assembly approved of this choice, and at the same time resolved to adhere strictly to the non-importation agreement, and to use what influence they possessed to induce the same observance in every individual of the province.

Mr. Hewes attended accordingly at Philadelphia when the new congress assembled in May, and continued with them until their adjournment, the last day of July.

The battle of Lexington had occurred a few weeks before the meeting of congress, and the first business that came before them was the examination of the depositions of witnesses, which at that period, or at least on that occasion, supplied the place of military reports, of the killed, wounded and missing, as well as of the movements of the hostile forces.

The first resolution of the congress was, however, notwithstanding the excitement naturally caused by the actual commencement of war, to present another loyal and dutiful address to the king; at the same time, now first glancing at the possibility of a separation, in a recommendation to the provincial congress of New York to prepare vigorously for defence, "as it is very *uncertain* whether the earnest endeavours of the congress to accommodate the unhappy differences between Great

Britain and the colonies by conciliatory measures, will be successful."

The battle of Bunker's Hill, and the appointment of a commander in chief of the army with a long list of major generals and brigadiers, in the succeeding month, placed the true nature of the contest more distinctly in the view of the people of America, and of the world. The society of friends, of which Mr. Hewes' parents had been members, as well as himself in his youth, were now straining every nerve in an effort to prevent the revolutionary and republican, and warlike doctrines of the times from gaining a reception among the quakers. The society was numerous, wealthy and respectable, and their opposition was powerful and active. In the beginning of the year 1775, they had held a general convention of the "people called quakers" residing in Pennsylvania and New Jersey, and had put forth a "testimony," denouncing the congress and all its proceedings. This, however, did not have any effect on Mr. Hewes, or if any, not the effect intended. He broke entirely from communion with the quakers, and became not only a promoter of war, but a man of gayety and worldly habits—even to the extent of being a frequent visiter of the ladies, and partaking, even with glee and animation, of the pleasures of the dance, in which he is said at all times of his life, after escaping from the restraints of his quaker education, to have taken much delight.

In the recess of congress, between July and September, he did not return to North Carolina, but made a

visit to his friends in New Jersey, and was at hand when the next session was begun.

He was placed on the committee of claims, and that charged with the fitting out of the armed vessels ordered to be built or equipped for congress—the germ of the United States' navy; and thus he became in effect, and in the nature of his duties and responsibilities, the first secretary of the navy.

In the commencement of the next year, Mr. Hewes, having attained great respect in congress by his excellent qualities and habits of close attention to business, was chosen a member of the *secret* committee, a post of extreme difficulty, and great responsibility, and requiring the closest application.

It is within the recollection of some of the surviving patriots of this period, that Mr. Hewes was remarkable for a devotedness to the business of this committee, as complete as ever the most industrious merchant was known to give to his counting-house.

After this time he was generally appointed on the most important committees, such as that to concert with general Washington a plan of operations for the ensuing campaign, the one entrusted with the difficult task of digesting a plan of confederation, another charged with the superintendence of the treasury, one raised for the purpose of inquiring into the causes of the miscarriages in Canada, and several others of less moment.

Mr. Hewes was, during this period, a most active man of business; the disbursements of the naval committee were under his especial charge, and eight armed

vessels were fitted out with the funds placed at his disposal. He was attentive also to the condition of North Carolina, then direfully distracted with civil war, and menaced also by the common enemy; gunpowder and other munitions of war were sent by him at his own expense, but reimbursed afterwards by congress, to supply the exigencies of the republican troops in that part of the country.

He had the satisfaction of being present during all the debate on the question of declaring independence, and of voting in favour of the instant adoption of that imperishable manifesto which has made the fourth of July a jubilee for this nation. In voting on this side he acted in accordance with a resolution passed by the North Carolina convention, on the twenty-second of April preceding, empowering the delegates from that colony to "concur with those of the other colonies in declaring independency."

North Carolina had thus the merit of being the first one of the colonies which openly declared in favour of throwing off all connexion with Great Britain, a spirited and manly determination which entitles the leading men of that state to distinguished praise. Mr. Hewes by his indefatigable exertions in the equipment of the naval armament, as well as by the fearless constancy with which he had advocated independence, had acquired to a very great degree the esteem and respect of the people whom he represented. In the beginning of the year seventeen hundred and seventy-seven, therefore, he was again chosen a delegate, with such powers as to

make whatever he and his colleagues might do in congress obligatory on every inhabitant of the state.

Mr. Hewes, however, did not accept this appointment. He left to his colleagues the tour of duty in congress, and devoted himself to his private affairs and to the benefit of his state at home during the greater part of that year and the whole of the next, nor did he resume his seat until the month of July, 1779. He was at this time in very ill health, his constitution had been totally broken down, and he was able to give little more assistance to the public councils of the nation.

His end was rapidly approaching; the last vote given by him in congress was on the twenty-ninth of October, after which he was wholly confined to his chamber until the tenth of November, when he expired, in the fiftieth year of his age.

On the day of his death, congress being informed of the event, and of the intention of his friends to inter his remains on the following day, resolved that they would attend the funeral with a crape round the left arm, and continue in mourning for the space of one month, that a committee should be appointed to superintend the ceremony, the Rev. Mr. White, their chaplain, should officiate on the occasion, and that invitations should be sent to the general assembly and the president and supreme executive council of Pennsylvania, the minister plenipotentiary of France and other persons of distinction.

The funeral ceremonies were accordingly conducted with all the pomp and display which the simple manners

and sobriety of temper then prevalent in Philadelphia would admit. A large concourse of people including all the distinguished personages civil and military, witnessed the interment of his remains in the burial ground of Christ Church, and the outward show of respect to his memory was not in this instance forced or insincere.

Mr. Hewes possessed a prepossessing figure and countenance, with great amenity of manners and an unblemished reputation for probity and honour. He left a considerable fortune but no children to inherit it.

His death may be called untimely when we reflect on the brighter prospects that soon after opened on the country to whose happiness he devoted himself with so much zeal, prospects in which he would have found a cause of infinite gratitude and joy; but in other respects his end was more seasonable than that of some of his compatriots who lived to endure old age, infirmity and want; he was taken in the meridian of his usefulness, but not before he had performed enough of service to this nation to entitle him to her enduring and grateful recollection.

APPENDIX.

INSTRUCTIONS

*From the Committees of the province of Pennsylvania
to their Representatives in the General Assembly.*

[REFERRED TO IN THE LIFE OF JAMES SMITH.]

GENTLEMEN,

THE dissensions between Great Britain and her colonies on this continent, commencing about ten years ago, since continually increasing, and at length grown to such an excess as to involve the latter in deep distress and danger, have excited the good people of this province to take into their serious consideration the present situation of public affairs.

The inhabitants of the several counties qualified to vote at elections, being assembled on due notice, have appointed us their deputies; and in consequence thereof, we being in provincial committee met, esteem it our indispensable duty, in pursuance of the trust reposed in us, to give you such instructions, as, at this important period, appear to us to be proper.

We, speaking in their names and our own, acknowledge ourselves liege subjects of his majesty king George the third, to whom “we will be faithful and bear true allegiance.”

Our judgments and affections attach us, with inviolable loyalty, to his majesty's person, family and government.

We acknowledge the prerogatives of the sovereign, among which are included the great powers of making peace and war, treaties, leagues and alliances *binding us*—of appointing all officers, except in cases where other provision is made, by grants from the crown, or laws approved by the crown—of confirming or annulling every act of our assembly within the allowed time—

and of hearing and determining finally, in council, appeals from our courts of justice. "The prerogatives are limited," as a learned judge observes, "by bounds so certain and notorious, that it is impossible to exceed them, without the consent of the people on the one hand, or without, on the other, a violation of that original contract, which, in all states impliedly, and in ours most expressly, subsists between the prince and subject.—For these prerogatives are vested in the crown for the support of society, and do not intrench any farther on our natural liberties, than is expedient for the maintenance of our civil."

But it is our misfortune, that we are compelled loudly to call your attention to the consideration of another power, totally different in kind—limited, as it is alleged, by "no bounds," and "wearing a most dreadful aspect," with regard to America. We mean the power claimed by parliament, of right, to bind the people of these colonies by statutes, "IN ALL CASES WHATSOEVER"—a power, as we are not, and, from local circumstances, cannot be represented there, utterly subversive of our natural and civil liberties—past events and reason convincing us, that there never existed, and never can exist, a state thus subordinate to another, and yet retaining the slightest portion of freedom or happiness.

The import of the words above quoted needs no descant; for the wit of man, as we apprehend, cannot possibly form a more clear, concise, and comprehensive definition and sentence of slavery, than these expressions contain.

This power claimed by Great Britain, and the late attempts to exercise it over these colonies, present to our view two events, one of which must inevitably take place, if she shall continue to insist on her pretensions. Either the colonists will sink from the rank of freemen into the class of slaves, overwhelmed with all the miseries and vices, proved by the history of mankind to be inseparably annexed to that deplorable condition: Or, if they have sense and virtue enough to exert themselves in striving to avoid this perdition, they must be involved in an opposition dreadful even in contemplation.

Honour, justice, and humanity call upon us to hold, and to transmit to our posterity, that liberty, which we received from our ancestors. It is not our duty to leave wealth to our children: but it is our duty to leave liberty to them. No infamy, iniquity or cruelty, can exceed our own, if we, born and edu-

cated in a country of freedom, entitled to its blessings, and knowing their value, pusillanimously deserting the post assigned us by divine Providence, surrender succeeding generations to a condition of wretchedness, from which no human efforts, in all probability, will be sufficient to extricate them; the experience of all states mournfully demonstrating to us, that when arbitrary power has been established over them, even the wisest and bravest nations, that ever flourished, have, in a few years, degenerated into abject and wretched vassals.

So alarming are the measures already taken for laying the foundation of a despotic authority of Great Britain over us, and with such artful and incessant vigilance is the plan prosecuted, that unless the present generation can interrupt the work, while it is going forward, can it be imagined, that our children, debilitated by our imprudence and supineness, will be able to overthrow it, when completed? Populous and powerful as these colonies may grow, they will still find arbitrary domination not only strengthening with their strength, but exceeding, in the swiftness of its progression, as it ever has done, all the artless advantages, that can accrue to the governed. *These* advance with a regularity, which the divine author of our existence has impressed on the laudable pursuits of his creatures: but despotism, unchecked and unbounded by any laws—never satisfied with what has been done, while any thing remains to be done, for the accomplishment of its purposes—confiding, and capable of confiding, only in the annihilation of all opposition,—holds its course with such unabating and destructive rapidity, that the world has become its prey, and at this day, Great Britain and her dominions excepted, there is scarce a spot on the globe inhabited by civilized nations, where the vestiges of freedom are to be observed.

To us therefore it appears, at this alarming period, our duty to God, to our country, to ourselves, and to our posterity, to exert our utmost ability, in promoting and establishing harmony between Great Britain and these colonies, ON A CONSTITUTIONAL FOUNDATION.

For attaining this great and desirable end, we request you to appoint a proper number of persons to attend a congress of deputies from the several colonies, appointed, or to be appointed, by the representatives of the people of the colonies respectively in assembly, or convention, or by delegates chosen by the counties

generally in the respective colonies, and met in provincial committee, at such time and place as shall be generally agreed on : and that the deputies from this province may be induced and encouraged to concur in such measures, as may be devised for the common welfare, we think it proper, particularly to inform you, how far, we apprehend, they will be supported in their conduct by their constituents.

The assumed parliamentary power of internal legislation, and the power of regulating trade, as of late exercised, and designed to be exercised, we are thoroughly convinced, will prove unfailing and plentiful sources of dissensions to our mother country and these colonies, unless some expedients can be adopted to render her secure of receiving from us every emolument, that can in justice and reason be expected, and us secure in our lives, properties, and an equitable share of commerce.

Mournfully revolving in our minds the calamities, that, arising from these dissensions, will most probably fall on us and our children, we will now lay before you the particular points we request of you to procure, if possible, to be finally decided ; and the measures that appear to us most likely to produce such a desirable period of our distresses and dangers. We therefore desire of you—

FIRST. That the deputies you appoint, may be instructed by you strenuously to exert themselves at the ensuing congress, to obtain a renunciation, on the part of Great Britain, of all powers under the statute of the 35 of Henry the eighth, chapter the 2d—of all powers of internal legislation—of imposing taxes or duties internal or external—and of regulating trade, except with respect to any new articles of commerce, which the colonies may hereafter raise, as silk, wine, &c. reserving a right to carry these from one colony to another—a repeal of all statutes for quartering troops in the colonies, or subjecting them to any expense on account of such troops—of all statutes imposing duties to be paid in the colonies, that were passed at the accession of his present majesty, or before this time ; which ever period shall be judged most advisable—of the statutes giving the courts of admiralty in the colonies greater power than the courts of admiralty have in England—of the statutes of the 5th of George the second, chapter the 22d, and of the 23d of George the second, chapter the 29th—of the statute for shutting up the port of Boston—and of

every other statute particularly affecting the province of Massachusetts-Bay, passed in the last session of parliament.

In case of obtaining these terms, it is our opinion, that it will be reasonable for the colonies to engage their obedience to the acts of parliament, commonly called the acts of navigation, and to every other act of parliament declared to have force, at this time, in these colonies, other than those above mentioned, and to confirm such statutes by acts of the several assemblies. It is also our opinion, that taking example from our mother country, in abolishing the "courts of wards and liveries, tenures in capite, and by knight's service, and purveyance," it will be reasonable for the colonies, in case of obtaining the terms before mentioned, to settle a certain annual revenue on his majesty, his heirs and successors, subject to the control of parliament, and to satisfy all damages done to the East India company.

This our idea of settling a revenue, arises from a sense of duty to our sovereign, and of esteem for our mother country. We know and have felt the benefits of a subordinate connexion with her. We neither are so stupid as to be ignorant of them; nor so unjust as to deny them. We have also experienced the pleasures of gratitude and love, as well as advantages from that connexion. The impressions are not yet erased. We consider her circumstances with tender concern. We have not been wanting, when constitutionally called upon, to assist her to the utmost of our abilities; insomuch that she has judged it reasonable to make us recompences for our overstrained exertions; and we now think we ought to contribute more than we do, to the alleviation of her burthens.

Whatever may be said of these proposals on either side of the Atlantic, this is not a time either for timidity or rashness. We perfectly know, that the great cause now agitated, is to be conducted to a happy conclusion, only by that well tempered composition of counsels, which firmness, prudence, loyalty to our sovereign, respect to our parent state, and affection to our native country, united must form.

By such a compact, Great Britain will secure every benefit, that the parliamentary wisdom of ages has thought proper to attach to her. From her alone we shall continue to receive manufactures. To her alone we shall continue to carry the vast multitude of enumerated articles of commerce, the exportation

of which her policy has thought fit to confine to herself. With such parts of the world only, as she has appointed us to deal, we shall continue to deal; and such commodities only, as she has permitted us to bring from them, we shall continue to bring. The executive and controlling powers of the crown will retain their present full force and operation. We shall contentedly labour for her as affectionate friends in time of tranquillity; and cheerfully spend for her, as dutiful children, our treasure and our blood, in time of war. She will receive a certain income from us, without the trouble or expense of collecting it—without being constantly disturbed by complaints of grievances, which she cannot justify, and will not redress. In case of war, or in any emergency of distress to her, we shall also be ready and willing to contribute all aids within our power: and we solemnly declare, that on such occasions, if we or our posterity shall refuse, neglect or decline thus to contribute, it will be a mean and manifest violation of a plain duty, and a weak and wicked desertion of the true interests of this province, which ever have been and must be bound up in the prosperity of our mother country. Our union, founded on mutual compacts and mutual benefits, will be indissoluble, at least more firm, than an union perpetually disturbed by disputed rights and retorted injuries.

SECONDLY. If all the terms above mentioned cannot be obtained, it is our opinion, that the measures adopted by the congress for our relief should never be relinquished or intermitted until those relating to the troops,—internal legislation,—imposition of taxes or duties hereafter,—the 35th of Henry the eighth, chapter the 2d—the extension of admiralty courts,—the port of Boston and the province of Massachusetts Bay are obtained. Every modification or qualification of these points, in our judgment, should be inadmissible. To obtain them, we think it may be prudent to settle some revenue as above mentioned, and to satisfy the East-India company.

THIRDLY. If neither of these plans should be agreed to in congress, but some other of a similar nature should be framed, though on the terms of a revenue, and satisfaction to the East India company, and though it shall be agreed by the congress to admit no modification or qualification in the terms they shall insist on, we desire your deputies may be instructed to concur with

the other deputies in it; and we will accede to, and carry it into execution as far as we can.

FOURTHLY. As to the regulation of trade—we are of opinion, that by making some few amendments, the commerce of the colonies might be settled on a firm establishment, advantageous to Great Britain and them, requiring and subject to no future alterations, without mutual consent. We desire to have this point considered by the congress; and such measures taken, as they may judge proper.

In order to obtain redress of our common grievances, we observe a general inclination among the colonies of entering into agreements of non-importation and non-exportation. We are fully convinced, that such agreements would withhold very large supplies from Great Britain, and no words can describe our contempt and abhorrence of those colonists, if any such there are, who, from a sordid and ill-judged attachment to their own immediate profit, would pursue that, to the injury of their country, in this great struggle for all the blessings of liberty. It would appear to us a most wasteful frugality, that would lose every important possession by too strict an attention to small things, and lose also even these at the last. For our part, we will cheerfully make any sacrifice, when necessary, to preserve the freedom of our country. But other considerations have weight with us. We wish every mark of respect to be paid to his majesty's administration. We have been taught from our youth to entertain tender and brotherly affections for our fellow subjects at home. The interruption of our commerce must distress great numbers of them. This we earnestly desire to avoid. We therefore request, that the deputies you shall appoint may be instructed to exert themselves, at the congress, to induce the members of it, to consent to make a full and precise state of grievances and a decent yet firm claim of redress, and to wait the event, before any other step is taken. It is our opinion, that persons should be appointed and sent home to present this state and claim, at the court of Great Britain.

If the congress shall choose to form agreements of non-importation and non-exportation immediately, we desire the deputies from this province will endeavour to have them so formed as to be binding upon all, and that they may be permanent, should the public interest require it. They cannot be efficacious, unless

they can be permanent; and it appears to us that there will be a danger of their being infringed, if they are not formed with great caution and deliberation. We have determined in the present situation of public affairs to consent to a stoppage of our commerce with Great Britain only; but in case any proceedings of the parliament, of which notice shall be received on this continent, before or at the congress, shall render it necessary, in the opinion of the congress, to take further steps, the inhabitants of this province will adopt such steps, and do all in their power to carry them into execution.

This extensive power we commit to the congress, for the sake of preserving that unanimity of counsel and conduct, that alone can work out the salvation of these colonies, with a strong hope and trust, that they will not draw this province into any measure judged by us, who must be better acquainted with its state than strangers, highly inexpedient. Of this kind, we know any other stoppage of trade, but of that with Great Britain, will be. Even this step we should be extremely afflicted to see taken by the congress, before the other mode above pointed is tried. But should it be taken, we apprehend, that a plan of restrictions may be so framed, agreeable to the respective circumstances of the several colonies, as to render Great Britain sensible of the imprudence of her counsels, and yet leave them a necessary commerce. And here it may not be improper to take notice, that if redress of our grievances cannot be wholly obtained, the extent or continuance of our restrictions may, in some sort, be proportioned to the rights we are contending for, and the degree of relief afforded us. This mode will render our opposition as perpetual as our oppression, and will be a continual claim and assertion of our rights. We cannot express the anxiety, with which we wish the consideration of these points be recommended to you. We are persuaded, that if these colonies fail of unanimity or prudence in forming their resolutions, or of fidelity in observing them, the opposition by non-importation and non-exportation agreements will be ineffectual; and then we shall have only the alternative of a more dangerous contention, or of a tame submission.

Upon the whole, we shall repose the highest confidence in the wisdom and integrity of the ensuing congress: and though we have, for the satisfaction of the good people of this province,

who have chosen us for this express purpose, offered to you such instructions, as have appeared expedient to us, yet it is not our meaning, that by these or by any you may think proper to give them, the deputies appointed by you should be restrained from agreeing to any measures, that shall be approved by the congress. We should be glad the deputies chosen by you, could by their influence, procure our opinions hereby communicated to you to be as nearly adhered to, as may be possible: but to avoid difficulties, we desire that they may be instructed by you, to agree to any measures that shall be approved by the congress, the inhabitants of this province having resolved to adopt and carry them into execution.—Lastly—We desire the deputies from this province, may endeavour to procure an adjournment of the congress, to such a day as they shall judge proper, and the appointment of a standing committee.

END OF VOL. SEVENTH.







